

EXTENSIONS OF REMARKS

FEDERAL COURT STRIKES
DOWN PRESIDENTIAL DEFER-
RAL POWER

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, on Friday May 16, the U.S. District Court for the District of Columbia issued a decision holding that the President lacks the power under the Impoundment Control Act of 1974 to defer spending of appropriated funds.

I am a plaintiff in one of the two consolidated cases, along with my colleagues, Mrs. BOXER, Mr. LOWRY of Washington, and Mr. SCHUMER, the National League of Cities, the U.S. Conference of Mayors, and a number of cities and other beneficiaries of funding under the affected programs. The city of New Haven, CT, in my district, is the plaintiff in the other case.

I want to share this important constitutional decision, which firmly upholds the Congress' power to control spending, with all my colleagues.

[U.S. DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA]CITY OF NEW HAVEN, CONNECTICUT,
PLAINTIFF, v.

UNITED STATES OF AMERICA, DEFENDANT.

CIVIL ACTION NO. 86-0455

NATIONAL LEAGUE OF CITIES, ET AL.,
PLAINTIFFS, v.

SAMUEL R. PIERCE, JR., ET AL., DEFENDANTS.

CIVIL ACTION NO. 86-0460

THE CITY OF CHICAGO, ET AL., PLAINTIFFS, v.
UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT, ET AL., DEFEND-
ANTS.

CIVIL ACTION NO. 86-0967

MEMORANDUM AND ORDER

These consolidated cases, now before the Court on the parties' cross-motions for summary judgment, present a challenge to the President's deferral of the expenditure of funds appropriated by Congress for various domestic programs in fiscal 1986.¹ Specifi-

cally, plaintiffs contend that the statute pursuant to which the President has acted to defer "budget authority" is unconstitutional by reason of the presence of an in-separable one-House legislative veto provision in the legislation as enacted. For the reasons set forth below, plaintiffs' motions for summary judgment will be granted, defendants' motion for summary judgment denied, and the declaratory and injunctive relief sought will be entered as prayed.

In November, 1985, President Reagan signed the fiscal year 1986 appropriations bill for the Department of Housing and Urban Development ("HUD"), Pub. L. No. 99-160, 99 Stat. 909 (1985), which appropriated funds for certain long-standing local housing and community development programs. On February 5, 1986, the President sent impoundment notices to Congress pursuant to the Budget and Impoundment Control Act of 1974 announcing his deferrals of the expenditure of funds for the four programs at issue here. H. Doc. No. 99-161, 99th Cong., 1st Sess. 246-53 (1986); 51 Fed. Reg. 5829, 553-58 (Feb. 18, 1986). The deferrals were not made in response to the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. No. 99-177, 99 Stat. 1038 (1985), but were, rather, intended by the President to bring 1986 spending levels into line with his 1987 proposed budget. H. Doc. No. 99-161 at 246. The deferrals have been put into effect and are indisputably having a present (and by plaintiffs undesired) impact on the programs, their proponents, and their intended beneficiaries.

Plaintiffs are various representatives of those affected: cities, mayors, community groups, members of Congress, associations of mayors and municipalities, and disappointed expectant recipients of benefits under the programs so diminished. Nominal defendants are the United States, the Secretary of HUD (the "Secretary"), and the Director of the Office of Management and Budget ("OMB").

Of the four programs in jeopardy the first is known as the Section 8 Housing Assistance Payments Program ("Section 8"), established by the Housing and Community Development Act of 1974, amending the Housing Act of 1937. 42 U.S.C. § 1437(f) (1982 & Supp. I 1983 & Supp. II 1984). Section 8's purpose is to assist lower-income families in obtaining housing by, *inter alia*, a direct housing subsidy. The Secretary of HUD disburses funds to state and local housing agencies which, in turn, use the funds to obtain housing for low income families. The HUD appropriations bill for fiscal year 1986 included nearly \$2.4 billion for direct housing subsidies, of which the President has deferred all but \$184 million.

The second program concerned was created by Section 202 of the Housing Act of 1959, 12 U.S.C. § 1701q (1982 & Supp. I 1983 & Supp. II 1984) ("Section 202"), to assist in housing the elderly and handicapped with direct loans to private non-profit corpora-

tions, limited profit sponsors, consumer co-operatives, and certain public agencies for use in constructing or rehabilitating low cost rental units. Section 202 also operates in conjunction with Section 8 to provide a direct subsidy for rental costs incurred by elderly and handicapped people living in Section 202 housing. The fiscal year 1986 HUD appropriations bill included \$631 million for the Secretary of HUD to lend under Section 202 and \$1.6 billion for rent subsidies under Section 8. The President deferred approximately \$600 million in construction loan money and all but \$12.8 million of the rent subsidies.

The Community Development Block Grant ("CDBG") program originated in Title I of the Housing and Community Development Act of 1974. 42 U.S.C. § 5301 (1982 & Supp. I 1983 & Supp. II 1984). The CDBG program was designed to consolidate a number of grant programs providing federal assistance to local governments with funds to, *inter alia*, acquire property, construct public facilities, rehabilitate housing, support economic development projects, and extend social and health services to low income people. The CDBG program allocation for fiscal year 1986 was \$3.1 billion. The President deferred \$500 million.

The final program affected was created by Section 312 of the Housing Act of 1964, as amended, 42 U.S.C. § 1452b (1982 & Supp. I 1983) ("Section 312"). Under Section 312, the Secretary lends funds to assist in the rehabilitation of single- and multi-family residential property in low-income neighborhoods. Typically, cities or local public agencies administer the program, lending money to low- and middle-income people who will occupy the housing they will use the funds to rehabilitate. For fiscal year 1986 Congress appropriated no new funds for the Section 312 program, but instead directed that all funds remaining in the program, \$166 million, should be made available for new loans in 1986. The President has deferred \$135 million of the sum.

Plaintiffs have submitted numerous affidavits—of mayors, city managers, directors of local public agencies, and intended beneficiaries of the depleted programs—attesting to the observable impact the budget deferrals have had and will have on local affairs. The affidavits assert (presently without contradiction), for example, that only a fraction of the eligible low-income families will receive Section 8 assistance this year; that no elderly or handicapped people will receive rent subsidies; and that no loans to rehabilitate housing in depressed neighborhoods will be made. The mayors and city managers state that they have had to cut their CDBG programs, necessitating the layoff of staff and a substantial reduction in such social and health services as shelters for the homeless, meals to elderly, public transportation for the elderly and handicapped, job training, health and dental care for low-income people, and child care for single parents.

In deferring the expenditure of appropriated funds the President acted pursuant to the Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, 88 Stat. 297, or

¹ Jurisdiction is predicated upon 28 U.S.C. § 1331. Plaintiffs initially sought a preliminary injunction, and the parties submitted memoranda accordingly. Prior to hearing, however, the parties proposed, and the Court agreed, that the matter be treated as one of cross-motions for summary judgment, the issues being exclusively of law and the merits having been fully briefed. The Court consolidated the hearing on plaintiffs' motion for a preliminary injunction with hearing on the merits pursuant to Fed.R.Civ. P. 65(a)(2), gave the parties additional time to supplement the record as appropriate to cross-motions for summary judgment, and has decided the case on an expedited basis.

² "Budget authority" means the "authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds . . ." 2 U.S.C. § 622(2) (1982).

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

more precisely, Title X of the Act, also known as the Impoundment Control Act of 1974 (the "Act" or "ICA"), Pub. L. No. 93-344, §§ 1001-1017, 88 Stat. 297, 323-37 (codified at 2 U.S.C. §§ 681-88 (1982 & Supp. II 1984)). Under the Act the President can impound funds in two ways. First, he may propose to "rescind," or cancel, all or part of the budget authority Congress has appropriated for a particular program. 2 U.S.C. § 683. To propose a rescission the President must send a special message to Congress detailing the amount of the proposed rescission, the reasons for it, and a summary of the effects the rescission would have on the programs involved. Congress then has 45 days within which to approve the proposed rescission by a "rescission bill" that must be passed by both houses. Id. If it fails of approval, the President must allow the full amount appropriated to be spent.

The Act's second device enabling the President to impound funds is one of "deferral," or delay, of the budget authority appropriated. 2 U.S.C. § 684. The President or certain subordinate officers of the Executive Branch may propose to defer the expenditure of funds without advance congressional approval, but the President must promptly notify Congress of the deferral, the reasons for the deferral, the impact the deferral will have on the programs involved, and "any legal authority invoked by him to justify the proposed deferral." 2 U.S.C. § 684(a)(4). The statute as written, however, allows a deferral to be overridden by a resolution of disapproval passed by either House.

It is this latter provision of the Act that plaintiffs challenge as unconstitutional, allowing, as it does, for a so-called one-House legislative veto of impoundments proposed by the President. Defendants concede, of course, that a one-House veto is unconstitutional under the Supreme Court decision in *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983), but they argue that the morbid provision alone may be excised from the Act, leaving the remainder of the statute intact, including the deferral authority itself. Plaintiffs vigorously dispute the severability of the one-House veto from the grant of power it was expected to contain, contending that Congress would never have passed a statute conferring such authority without it. The principal question presented, therefore, is whether the one-House veto is discretely severable from the rest of the ICA, and if not, how much other statutory tissue must accompany it.³

II.

In *Chadha*, the Supreme Court ruled that "invalid portions of a statute are to be severed '[u]nless it is evident that the Legislature would not have enacted those provisions which are within its power, independently of that which is not.'" 462 U.S. at

931-32, quoting *Buckley v. Valeo*, 424 U.S. 1, 108 (1976), quoting *Champlin Refining Co. v. Corporation Comm'n of Oklahoma*, 286 U.S. 210, 234 (1932)). The presence of a severability clause in the legislation creates a presumption of severability, id. at 932, and a "provision is further presumed severable if what remains after severance 'is fully operable as a law.'" *Chadha*, 462 U.S. at 934, quoting *Champlin*, 286 U.S. at 234.⁴

The Court of Appeals for this circuit has recently had occasion to apply *Chadha* in *Alaska Airlines, Inc. v. Donovan*, 766 F.2d 1550 (D.C. Cir. 1985), cert. granted, 106 S. Ct. 1259 (1986), in a severability case.⁵ Holding that the proponents of inoperability had not met their burden of overcoming the presumption of severability, the court articulated the analytical process it would follow:

"Our charge is to save as much of the statute as we can, consistent of course with the underlying legislative intent. Only if we conclude that Congress would not have included a provision absent the constitutionally flawed portion is that provision to fall. The issue cannot be whether Congress preferred the statute with the unconstitutional provision over the same statute without that provision. Manifestly, Congress' preference is abundantly clear from its inclusion of the unconstitutional provision. Nor is the question whether Congress would have passed some alternative version of the statute if it knew that it could not lawfully have included the offending provision. That is, 'the question is not whether Congress would have enacted th[is] exact statute[] had it known at the time of enactment that the legislative veto provisions were invalid, but rather, whether Congress would have preferred th[is] statute[], after severance of the legislative veto provision[], to no statute[] at all.'" *Gulf Oil Corp. v. Dyke*, 34 F.2d 979, 804 (T.E.C.A.) (emphasis in original), cert. denied — U.S. —, 105 S. Ct. 173, 83 L.Ed.2d 108 (1984)."

766 F.2d at 1560 (footnote omitted).

A similar analysis is apposite here, but it points ineluctably to a contrary conclusion as to the severability vel non of the one-House veto, without more, from the ICA. This case involves a statute vastly different in origin, purpose, and effect. As the very title of the Act suggests, a search for means by which Congress could wrest control over the budget from what it perceived as a usurping Executive was the *raison d'être* of the entire legislative effort. Control—how to regain and retain it—was studied and debated at length, on the floor and in committee, over a period of years by a Congress virtually united in its quest for a way to reassert its fiscal prerogative. A clearer case of con-

gressional intent—obsession would be more accurate—is hard to imagine.

Before examining the documentary legislative history of the ICA, a digression into the historical political context in which it was conceived is necessary. In the early 1970's, President Nixon began to use impoundments as a means of shaping domestic policy to his liking, withholding funds from various programs he did not favor. The legality of these impoundments was repeatedly litigated, and by 1974, impoundments had been vitiated in more than 50 cases and upheld in only four.⁶

Congress was incensed at what many members regarded as an unconstitutional arrogation of budgetary power by President Nixon.⁷ Realizing that case-by-case adjudications were both inefficient and unpredictable, it began consideration of definitive legislation for impoundment control. See Abascal and Kramer, *Presidential Impoundment Part II: Judicial and Legislative Responses*, 63 Geo. L.J. 149, 169 (1974). In 1972 Congress established a Joint Study Group on Budget Control to study the matter and make recommendations to Congress; the Group's report, issued the following year, called for wide-ranging reform of the budget process. Joint Study Comm. on Budget Control, 93d Cong., 1st Sess., *Recommendations for Improving Congressional Control Over Budgetary Outlay and Receipt Totals* (Comm. Print 1973). In 1973 both Houses first proposed their own bills.

It is apparent from historical circumstances alone that the legislation to which Congress was building would be designed and expected to mark the limits of Congressional and Presidential power in the matter of impoundments henceforth, beyond the incumbency of the then-President, at the time preoccupied with the aftermath of Watergate, who had, by the time the legislation was being readied, forsworn the use of impoundments for the duration of his administration altogether. Note, *Texas Law Review*, at 703-04 n.62. Congress was intent upon recovering its primacy in matters of money and spending for all time.

In 1973 the Senate passed a bill that purported to give the President limited authority to impound appropriations for 60 days, provided that the appropriation be available for obligation at the end of 60 days if its im-

³ See e.g., *Train v. City of New York*, 420 U.S. 35 (1975) (municipal waste treatment projects); *Guadamuz v. Ash*, 368 F. Supp. 1233 (D.D.C. 1973) (environmental and housing rehabilitation funds); *National Council of Community Mental Health Centers, Inc. v. Weinberger*, 361 F. Supp. 897 (D.D.C. 1973) (public health funds). For a complete list of impoundment cases, see Staff of Joint Comm. on Congressional Operations, 93d Cong., 2d Sess., *Special Report on Court Challenges to Executive Branch Impoundments of Appropriated Funds* (Comm. Print 1974); Staff of House Comm. on Government Operations, 93d Cong., 2d Sess., *Report on Presidential Impoundment of Congressional Appropriated Funds: An Analysis of Recent Federal Court Decisions* (Comm. Print 1974). See also Note, *Addressing the Resurgence of Presidential Budgetmaking Initiative: A Proposal to Reform the Impoundment Control Act of 1974*, 63 Tex. L. Rev. 693, 697 n.24 (1985) (hereinafter cited as "Note, Texas Law Review").

⁷ See generally *Joint Hearings on Impoundment of Appropriated Funds by the President Before the Ad Hoc Subcomm. on Impoundment of Funds of the Senate Comm. on Government Operations and the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, 93d Cong., 1st Sess. (1973); and *Hearings on Executive Impoundment of Appropriated Funds Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, 92d Cong., 1st Sess. (1971).

⁴ Defendants also suggest that plaintiffs are without standing to force adjudication of the issue, because not all have demonstrated any direct injuries they have themselves suffered as a result of the deferrals or shown how they would benefit if the relief prayed were granted. It is now well-settled, however, that if one plaintiff has standing to bring an action, a court need not consider the standing of all other plaintiffs before addressing the merits. See, e.g., *Watt v. Energy Action Educational Foundation*, 454 U.S. 151, 160 (1981); *Buckley v. Valeo*, 424 U.S. 1, 12 (1976) (*per curiam*). The Court's review of the interests asserted in the several cases before it discloses that at least one plaintiff is immediately concerned with each of the programs affected by the deferrals and will likely benefit if the funds are restored.

⁵ The statute at issue in *Chadha* contained a severability clause; the ICA contains no such clause, but its absence is not dispositive, merely evidence of congressional intent. In considering the ICA Congress, anticipating *Chadha*, recognized that the one-House veto provision might be held unconstitutional, but it did not even discuss the addition of a severability clause. See, e.g., H.R. Rep. 93-658, 1st Sess. 87 (1973) (minority views) (one-House veto was "of doubtful legal effect").

⁶ *Alaska Airlines* reversed a district court decision holding the reservation of a one-House veto over agency regulations implementing an employee protection program in deregulatory legislation to be inoperable from the program itself. The court of appeals found the program, as established by the statute, to be fully operable with or without the oversight afforded by the one-House veto, and the program, rather than the oversight, the dominant legislative objective.

poundment were not approved by Congress by concurrent resolution. S. 373, 93d Cong., 1st Sess., passed Senate, 119 Cong. Rec. 15,255 (1973). That same year the House passed a bill containing anti-impoundment measures giving the President authority to cancel or delay budget authority upon notice to Congress of his action, subject, however, to a one-House veto. H.R. 7130, 93d Cong., 2d Sess., passed House, 119 Cong. Rec. 39,740 (1973). In 1974 the Senate unanimously adopted the House bill after substituting for the one-House veto the language of a new Senate bill, S. 1541, 93d Cong., 2d Sess. (1974), which forbade impoundments altogether. 120 Cong. Rec. 7938 (1974). (S. 1541 would have required the President to propose rescissions whether he wished to evade, or merely delay, budget authority.) The bill also purported to amend the Anti-Deficiency Act to eliminate any possible basis for its invocation by a President as authority for impoundments.⁹

In conference committee a compromise was reached that included features of both the House and Senate bills, and the conference committee report makes it clear that the Houses were equally committed to confining a President's power to impound appropriations and to restore to Congress ultimate control over the budget process. See S. Conf. Rep. No. 93-924, 93d Cong., 2d Sess. 49, 76-78 (1974). The compromise bill adopted the Senate approach for rescissions, or permanent impoundments, requiring approval for rescissions, or permanent impoundments, requiring approval through the enactment of legislation. It employed the House approach for deferrals, or temporary impoundments, allowing the deferrals to become effective unless disapproved by either House. The compromise bill also incorporated an amendment to the Anti-Deficiency Act similar to that proposed by the Senate bill.

The ensuing debates upon the compromise conference bill in both Houses demonstrate near-unanimous consensus on the part of the members that total congressional control over the impoundment process would be a legislative *sine qua non*. Without a ready device to quash any impoundment of which it disapproved—temporary or permanent—Congress was of no mind to concede to any President a warrant to impound at all.

Representative Brotzman, for example, said:

"Until now, the President's impoundment of funds has been the only thing keeping this spending under control. I believe that impounding of funds ultimately works to the detriment of every American citizen by weakening the separation of powers be-

tween the executive and legislative branches.

"However, if the Congress were to destroy this power to impound funds, without first providing the machinery to responsibly handle the Federal budget, the result would be bankruptcy for the American people.

"There must be a mechanism in the Congress to effectively limit congressional spending and this bill accomplishes the goal. . . .

"The bill permits the President to impound funds solely for contingencies so to affect [sic] certain savings. The President is required to report any impoundment action to the Congress by means of a deferral message, and the Congress is given the right to pass an impoundment resolution disapproving the deferral, thereby making the funds available for their intended purpose." 120 Cong. Rec. 19,685-86 (1974). Representative Randall termed impoundment control one of the "tools for budget control," and also an important "tool to fight the impoundment process of funds appropriated needed to carry out authorized programs so urgently needed by our people." *Id.* at 19,686-87. Representative Sisk expressed his belief that congressional appropriations needed protection from executive impoundment, stating "the Congress has the opportunity to stop the arrogation of power of the Nation's purse strings," and "[t]here are several significant provisions in the budget control bill, but none are as important as the prohibition against impoundment by executive fiat. . . ." *Id.* at 19,687. Representative O'Neill emphasized the importance of Congress' ability under the compromise bill "to review and terminate the impoundment of funds by the executive branch" and to determine whether impoundments are necessary. *Id.* at 19,689. Numerous statements from other representatives declare support in like terms for the compromise bill and the need for control of Presidential impoundments. See, e.g., *id.* at 19,680 (Rep. Sikes); *id.* at 19,684 (Rep. Pickle); *id.* (Rep. Bingham); *id.* at 19,685 (Rep. Badillo); *id.* at 19,690 (Rep. Annunzio); at 19,695 (Rep. Pepper); *id.* at 19,696 (Rep. Matsunaga).

Senator Tower also declared his approval of congressional control of impoundments, saying that control of the President's ability to impound "should help restore a better balance between the executive and legislative branches of government." *Id.* at 20,485. Other senators concurred. See, e.g., *id.* at 20,470-71 (Sen. Metcalf); *id.* at 20,472-73 (colloquy between Sen. McClellan and Sen. Ervin); *id.* at 20,476 (Sen. Cranston); *id.* at 20,481 (colloquy between Sen. Humphrey and Sen. Ervin); *id.* at 20,485 (Sen. Tower).

The one-House veto was specifically extolled as an integral component of the control machinery being considered. On the House side numerous statements by representatives illustrate the importance they attached to it. Rep. Bolling's statement in support of the conference bill is an example:

"From the start I have held to the position that impoundment control is an essential component of budget reform. It makes no sense for Congress to establish new procedures for the appropriation of funds if the President can override the will of Congress by means of impoundment. At the same time, the methods used to control Presidential impoundments must be reasonable and appropriate. They should neither deny the President the capability to manage the executive branch nor impose upon Congress the burden of redoing its previous decisions. In line with this position, the House last

year passed H.R. 8480 to provide for the veto of any impoundment by either the House or Senate and a similar provision was incorporated into H.R. 7130 when it was approved by the House last December.

"I can report that the conference bill both upholds the position of the House and makes some worthwhile elaborations in the procedures of expenditure control. The bill addresses the various types of impoundments and provides appropriate procedures for each. First, it provides for disapproval by either the House or the Senate of Presidential proposals to defer the expenditure of funds. Analysis has shown that deferrals constitute the lion's share of impoundment actions and many of these are for routine financial purposes and involve neither questions of policy nor attempts to negate the will of Congress. In the case of deferrals, disapproval can be expressed by resolution of either the House or the Senate. Such disapproval will clearly instigate [sic] the view of Congress that the deferral is not merely a routine financial matter. When disapproved by either House or Senate, a deferral must cease at once."

120 Cong. Rec. 19,674 (1974).

Similar sentiments were expressed in the Senate. Senator Ervin, a member of the conference committee, reported his satisfaction with the impoundment control portion of the compromise bill and stated that the "highly controversial issue" of impoundment control "is dealt with by way of an effective compromise." *Id.* at 20,464. He noted that "the President has no power under the Constitution to impound lawfully appropriated funds in the absence of a delegation of such authority by the Congress," but that there were situations in which deferral or rescission of budget authority was the best policy. *Id.* Therefore, he said, the compromise bill addresses "three types of executive actions and places restrictions on each of them." *Id.* (emphasis added).⁹

Thus, unlike the challenged provision of the statute in *Alaska Airlines*, the one-House veto is not to the ICA merely a superfluous afterthought; it is, rather, the instrument expressly chosen by a nearly unanimous Congress to exert its control over impoundments-by-deferral when proposed by the President.¹⁰

Defendants' contention that the primary objective of Congress in passing the Act was to improve the quality of the information it would receive about proposed deferrals in the accompanying "message" is simply not

⁹ The Anti-Deficiency Act is codified at 12 U.S.C. §§ 1341 and 1512 (1982). Prior to its amendment in 1974, the Anti-Deficiency Act permitted the President to "apportion" funds where justified by "other developments subsequent to the date on which such appropriation was made available." 31 U.S.C. § 665(c)(2) (1970) amended by Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, Tit. X, § 1002, 88 Stat. 297, 332. President Nixon relied on this section as authorization for the impoundments he made. Note, *Texas Law Review*, at 699-700. The Act was amended to limit apportionments to provision for contingencies, to achieve savings made possible by changes in requirements or program efficiency, or as specifically provided by law. 12 U.S.C. § 1512(c)(1). The amendment was part of the overall reform of the budget process, and was intended to prohibit the use of apportionment as an instrument of policy-making. See, e.g., 120 Cong. Rec. 7658 (1974) (remarks of Senator Muskie).

⁹ The one-House veto had also been discussed in the floor debates on the original bills, with members expressing similar views. See, e.g., 119 Cong. Rec. 39,341 (1973) (remarks of Rep. Bolling); *id.* at 39,363 (remarks of Rep. Hammerschmidt); *id.* at 39,725 (remarks of Rep. Whitten); *id.* (remarks of Rep. Eckhart); *id.* at 39,725-26 (amendment to replace one-House veto provision with concurrent resolution provision rejected); 120 Cong. Rec. 7657 (1974) (remarks of Sen. Roth); *id.* at 7657-59 (colloquy between Sen. Roth and Sen. Muskie); *id.* at 7659 (amendment to permit one-House veto rejected).

¹⁰ The Court has neither been cited to, nor has found on its own, any expressions of support for the proposition that the President be allowed to defer budget authority without the check afforded by at least a one-House veto.

¹⁰ The compromise bill passed the House 401 to 6, 120 Cong. Rec. 19,698 (1974); the Senate 75 to 0, 120 Cong. Rec. 20,500 (1974). Such opposition as there was came from House members who advocated adoption of the Senate's earlier version refusing all impoundment authority to the President. See, e.g., 120 Cong. Rec. 19,693 (1974) (Rep. Harrington); *id.* at 19,696 (Rep. Drinan).

borne out by the legislative history. To be sure, Congress wanted notice of Presidential budgetary actions, and there are expressions during the debates of dissatisfaction with the sufficiency of Presidential communications under prior law,¹¹ but it was the notice provision, not the veto, if anything, which was merely incidental. The debates centered upon the issue of whether the President should be able to impound at all, or should be permitted to impound, but with various congressional circumscriptions of his power to do so. It does not appear from the voluminous history of the ICA in its entirety that Congress was very much concerned with, let alone determined to achieve, further detail about future Presidential impoundments absent a mechanism for exercising control over them.

III.

In *Alaska Airlines* the court noted that the statute without the one-House veto would operate as intended. In doing so it distinguished *American Federation of Government Employees v. Pierce*, 697 F.2d 303 (D.C. Cir. 1982), an earlier case in which it had found a one-House veto inoperable because severance would have left a legislative result the opposite of that Congress intended.¹² Severance in the instant case, too, would demolish the congressional control over a species of impoundment that was at its heart.

Indeed, if the Court were to find the one-House veto to be severable from the deferral power itself, not only would it confirm in the President the very power that Congress has never acknowledged him to have at all, it would also enable him to employ it, in effect, as a "line-item veto" (which is, of course, anathema to Congress) by signing an appropriations bill and later "deferring" any and all specific appropriations for agencies or programs he thought underserving. That neither this nor any President has done so to date is irrelevant; the potential for it is, however, most relevant to a retrospective inquiry into Congress' willingness in 1974 to have accepted an ICA shorn of the one-House veto but in all other respects as it appears today.

Defendants point out that the deferral power can never be the true equivalent of a line-item veto, in that an enactment "vetoed" by the President is permanently canceled, whereas an appropriation "deferred" must be available for obligation before the end of the fiscal year. See 2 U.S.C. § 684(a). The argument ignores the practical realities of the budget process, however, for when the expenditure of funds is deferred for one year, those funds remain available and may be used to offset budget-

ary requirements for the following fiscal year.¹³ The argument also ignores economic reality as well; the timing of an expenditure may be as or more important to Congress than the total amount spent.

Plaintiffs postulate two further anomalous, although still hypothetical, consequences of a President uninhibited by the prospect of a one-House veto in his exercise of the deferral authority given him by the ICA. Having no other mechanism at hand, the only way Congress can reverse a Presidential deferral is by enacting new legislation ordering the President to spend the money (an alternative, by the way, Congress specifically considered and discarded when it passed the ICA).¹⁴ If the new legislation were then vetoed by a President determined to prevail, Congress would have to muster a two-thirds majority of each House to vote to override. Plaintiffs also suggest that unconstrained deferral authority pursuant to the ICA would, in effect, nullify Congress' amendment to the Anti-Deficiency Act.¹⁵ The amendment limited the President's ability to "apportion" funds to three carefully-delineated situations in an effort to remove any colorable basis under the Anti-Deficiency Act for his impoundment of appropriated funds in the guise of an "apportionment." To find the President now unchecked in his deferral power by the one-House veto would be to permit him to apportion funds in the guise of a "deferral."

The Court concludes that the legislative history of the ICA demonstrates that Congress would not have conceded any deferral authority to the President at all in the absence of the one-House veto provision. It can be said with conviction that Congress would have preferred no statute to one without the one-House veto provision, for with no statute at all, the President would be remitted to such pre-ICA authority as he might have had for particular deferrals which, in Congress' view (and that of most of the courts having passed upon it) was not much.

IV.

Having found it evident that Congress would not have enacted those provisions of the ICA which are within its power independently of that which is not, under *Chadha* and *Alaska Airlines* this Court must now look to whether the ICA is presently fully operable as a law without the one-House veto provision. In support of their contention that the ICA is a law entire unto itself sans the one-House veto, defendants point to the way in which Congress and the President have operated under the ICA

since *Chadha*.¹⁶ But, the fact that both Houses of Congress have either acquiesced in, or passed legislation to overturn, other Presidential deferrals in the three years since *Chadha* does not establish that the law is operable. The ICA does not provide the mechanism for the enactment of legislation; the Constitution does. That Congress has done so proves not that the statute is operable, but that Congress has acted outside the confines of the statute and in the exercise of its Article I constitutional powers. The Court finds that the ICA is not fully operable as a statute without the one-House veto provision. The *modus vivendi* which has evolved between the President and Congress is the years intervening, ostensibly pursuant to the ICA, could in fact have existed in the absence of any statute at all.

V.

Defendants assert that if this Court finds that the one-House veto is inseverable, it must then strike all other impoundment-related provisions of Title X of the ICA, including the amendment to the Anti-Deficiency Act, and thereby return the parties to the *status quo ante* the CIA's enactment in 1974. They argue that to strike only the deferral provision would be to destroy the symmetry of the constitutional accommodation the Act represented between the Executive and Legislative Branches with respect to the whole subject of Presidential impoundments.

The Court of Appeals for this circuit, however, has instructed that courts must "save as much of the statute as we can, consistent with the underlying legislative intent," *Alaska Airlines, Inc. v. Donovan*, 766 F.2d at 1560 (footnote omitted), and the excision of more than the deferral authority would constitute unnecessary mutilation. The paramount legislative objective of the ICA, i.e., of controlling impoundments, is best implemented by leaving rescission authority and the Anti-Deficiency Act as written, and as the President and Congress agreed upon them originally.

VI.

Finally, defendants contend that a finding that the one-House veto provision is inseverable will not provide the plaintiffs the relief they seek, viz. the present availability to them of the total appropriations for obligation, because the statutes pursuant to which the appropriations were made do not mandate the expenditure of funds now and, thus, the President may withhold the funds independently of the ICA. See *UAW v. Donovan*, 746 F.2d 855 (D.C. Cir. 1984). But the President acted pursuant to the ICA in deferring the budget authority at issue here. He did not assert an independent basis for his deferrals, see H. Doc. 99-161; 51 Fed. Reg. 5829 (Feb. 18, 1986), and the Court can decide only the matters presented to it by the actual case or controversy before it. The status of the President's authority to impound funds independently of the ICA will once again have to await yet another case.

For the foregoing reasons, it is, this 16th day of May, 1986.

Ordered, that plaintiffs' motions for a preliminary injunction are denied as moot; and it is

¹¹ See 120 Cong. Rec. 20481-82 (colloquy between Sen. Humphrey and Sen. Ervin). Two years earlier, Congress had passed a law designed to require the President to submit information about impoundments to Congress. Federal Impoundment and Information Act of 1972, Pub. L. No. 92-599, 86 Stat. 1325 (codified at 31 U.S.C. § 581c-1 (1970 & Supp. II 1972), repealed by Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, Tit. X, § 1003, 88 Stat. 297, 332.

¹² In *Pierce*, at issue was a provision of an appropriations act for HUD which provided that no funds could be used for a reorganization of HUD without the prior approval of the Appropriations Committees of both Houses. The court of appeals found the approval clause invalid but inseverable, basing its decision on the act's legislative history from which it derived its belief that "[n]either House . . . would have accepted a complete ban on reorganizing HUD—yet that is precisely the result severance would have brought about." *Alaska Airlines*, 66 F.2d at 1565.

¹³ In his Section 8 deferral message to Congress, the President stated that he intended to use appropriations deferred from fiscal year 1986 to offset appropriations for fiscal year 1987. See H. Doc. 99-161 at 246; 51 Fed. Reg. 5953. See also Summary, Fiscal Year 1987 Budget, U.S. Department of Housing and Urban Development, H-2, H-4, and H-14.

¹⁴ The House Report accompanying H.R. 7130 stated that a one-House veto provision "is suggested on the ground that the impoundment situation established by the bill involves a presumption against the President's refusing to carry out the terms of an already considered and enacted statute. To make Congress go through a procedure involving agreement between the two Houses on an already settled matter would be to require both, in effect, to reconfirm what they have already decided." H.R. Rep. No. 93-658, 93d Cong., 1st Sess. 42 (1973). Ultimately, this objection prevailed with respect to deferrals. See S. Rep. 93-924 (1974) (Conference Committee Report); 2 U.S.C. § 684.

¹⁵ See footnote 8, *supra*.

¹⁶ Through fiscal 1985 the President had proposed 152 deferrals, of which Congress has disallowed 21 by legislation has signed into law.

From 1975 through mid-1983, of over 1,000 Presidential deferrals, Congress rejected 100, by one-House veto or subsequent legislation.

Further Ordered, that plaintiffs' motions for summary judgment be denied; and it is

Further Ordered, that plaintiffs' motion for summary judgment be granted; and it is

Further Ordered, that the one-House veto provision is hereby declared inseparable from the remainder of section 1013 of Pub. Law 93-344, codified at 2 U.S.C. § 684 (1982), and section 1013 is therefore set aside in its entirety; and it is

Further Ordered, that defendants are ordered to make available for obligation the full amount of funds Congress appropriated for (a) the Section 8 Housing Assistance Payments Program, 42 U.S.C. § 1437(f); (b) the Section 202 Program of the Housing Act of 1959, 12 U.S.C. § 1701(g); (c) Title I of the community Development Block Grant Program of the Housing and Community Development Act of 1974, 42 U.S.C. § 5301; and (d) the Section 312 Program of the Housing Act of 1964, 42 U.S.C. § 1452b, which defendants have withheld pursuant to the deferral messages sent by the President to the Congress; and it is

Further Ordered, *sua sponte*, that the injunction hereinabove entered is stayed until completion of appellate proceedings herein.

HONOR YOUR ROOTS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mrs. COLLINS. Mr. Speaker, during a recent visit to Denver, CO, I met with an Alpha-Kappa Alpha soror, Ms. Patricia Sandersbrown, who impressed me with her strong sense of "remembering from whence one came." As part of her tribute to and remembrance of black American heritage, she wrote a very poignant poem entitled, "Honor Your Roots."

I would like to take this opportunity to share with my colleagues a copy of this poem.

HONOR YOUR ROOTS

(By Patricia Sandersbrown)

It's time we remembered what we've left behind;
We need to honor our roots, keep them in mind.
So come, gather 'round and listen for awhile,
Every man, every woman, and every ill' chile:
I've got some preachin' to do, I've got some methin' to say;
Y'all sit down and hush up! Hear me today!
Now, don't roll your eyes, don't shake your head,
Don't whisper to your neighbor, "... should've stayed in bed! ..."
Don't try to sneak out ... somebody close that door!
Hey, man, sit up! What ya sleepin' for?
Do you think this story ain't about you?
Check again ... check your skin ... it's you, it's you!
Now, I know this talk about roots might be too tough;
Talkin' 'bout when times were hard and roads were rough!
We may want to forget that long ago time;
Forget 'bout pickin' cotton, sayin' "Shine for a dime!"
We may not want to hear this talk 'bout roots

With our carefree curls and our three-piece suits!

You say, why talk about being colored now that we're BLACK?

And I say 'cause we arrived at our Blackness on our colored kins' backs!

They carried us here, just as sure as we're born;

It was their sweat and tears, ironin' sheets, shuckin' corn.

Oh, I know we've got class now, and all sorts of degrees!

But, our great-grandmamas scrubbed floors on their knees!

We've got to remember, we cannot forget; We may not be slaves, but we're not free yet!

There's a long way to go and the distance is far;

And we can't make the journey with a luxury car!

Fine clothes, big homes and diamond rings Are good to have, but they're just things!

Our culture is rich, don't keep it inside; Don't let things be the basis of your Black pride!

Let us stand tall, Black people, and believe in our worth,

And let our Black pride shine as we strut this earth!

Real pride is not the "what", and it's not the "who",

It's not what you "have", and it's not what you "do"!

Our roots are our heritage, our legacy to uphold;

We must honor them and cherish them, whether young or old.

Well ... all this talkin' 'bout roots should never end,

But, I'm done with my preachin' ... y' all can say, "Amen!"

THE 65TH BIRTHDAY OF DR. ANDREI SAKHAROV—LETTER FROM ROBERT L. BERNSTEIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. LANTOS. Mr. Speaker, today marks the 65th anniversary of the birth of Soviet scientist and human rights leader Andrei Sakharov. Today, at a special commemoration of this event held by the Committee on Foreign Affairs, Dr. Sakharov's devoted wife Yelena Bonner, American human rights leaders, and distinguished Members of Congress paid tribute to this great man.

In 1975, Dr. Sakharov's Nobel Peace Prize lecture—which he was not allowed to deliver in person—was prophetic in sounding the call for observance of human rights:

Peace, progress, human rights—these three goals are indissolubly linked: it is impossible to achieve one of them if the others are ignored. ... We must fight for every individual and against every act of injustice and against every violation of human rights. So much in our future depends on this.

Today, Mr. Speaker, a number of individuals paid tribute to Dr. Sakharov. I would like to place in the RECORD a letter from Mr. Robert L. Bernstein to Ambassador Anatoly F. Dobrynin, former Soviet Ambassador to the United States and now Secretary of the Central Committee. Mr. Bernstein's letter summa-

rizes the abuse and mistreatment that Andrei Sakharov and Yelena Bonner have suffered and calls for their release from exile in Gorki.

Mr. Bernstein speaks with authority on the Sakharovs. He is chairman of the board, president, and chief executive officer of Random House Publishers, which is the publisher of Andrei Sakharov's books: "Sakharov Speaks," "My Country and the World" and "Alarm and Hope." Furthermore, Mr. Bernstein is a committed leader for human rights in the United States. He is chairman of the Fund for Free Expression and the U.S. Helsinki Watch, an organization which he founded in 1979.

Mr. Speaker, I strongly urge my colleagues in the House to read and consider Mr. Bernstein's outstanding letter. One of the highest tributes to the integrity and character of Dr. Sakharov is that men like Bob Bernstein devote their lives and energies to the cause of human rights which Dr. Sakharov exemplifies.

LETTER OF ROBERT L. BERNSTEIN TO AMBASSADOR ANATOLY F. DOBYRNIN

DEAR AMBASSADOR DOBYRNIN: Today is Andrei Sakharov's sixty-fifth birthday, and I find myself in a United States Congress meeting room with Yelena Bonner Sakharov and a host of American Senators, Representatives, and other dignitaries and friends honoring Andrei and Yelena Sakharov and discussing ways to talk to the Soviets about them.

At the outset, let me outline what has happened to them since the time in 1968 when Andrei expressed national and foreign policy views with which past Soviet general secretaries did not agree.

First, he was removed from all defense work.

Second, he was prevented from doing his own scientific work.

Third, Yelena Bonner Sakharov's children, who have become as close to Andrei Sakharov as any children born to him, and who have stood by him, were forced to leave the country with their children. (Yelena Bonner Sakharov's mother has also left the country and would now like to live out her final years in Moscow, but not if she were separated from her daughter.)

Fourth, in 1980 the Sakharovs were suddenly judged too dangerous to be allowed to speak to anybody, and were removed and confined to the city of Gorky, where Andrei Sakharov remains to this day and where his wife will shortly join him once again.

Fifth, The Sakharovs had to watch, helplessly, as friends, not as honored and protected by past services to the Soviet Union, were sent away to camps and prisons because of their participation in the Helsinki Watch—even though the Soviet Union signed the Helsinki Final Accord on August 1, 1975, and even though the Final Accord confirms, and I quote: "the right of the individual to know and act upon his rights and duties ... in the field of human rights ..."

In Gorky, the Sakharovs have been unable to live a normal life. They are under constant surveillance by the K.G.B. Books and writing are repeatedly confiscated. People are warned not to talk with them. They cannot communicate freely. They are not allowed to see friends. A simple phone call is most difficult, as they have no phone available near their home. Yet in an effort to prove that Andrei Sakharov still lives like an average citizen, even his visits to the doctor have been filmed and later released

to the American press. Does this hurt Sakharov or the Soviet Union?

In the last few years, Sakharov has resorted in desperation to hunger strikes, very serious hunger strikes, even though he has a heart condition—first, in order to gain permission for his daughter-in-law to leave to join her husband in the United States, and then, several times, to secure approval so that Yelena Bonner could travel to Italy for badly needed eye treatment and to the United States for a major heart operation.

That is the record, Ambassador Dobrynin. No one denies that your nation is powerful enough to do what it has done to the Sakharovs, or to any human being who lives in the Soviet Union. But surely the unavoidable question is this: What, for all the extraordinary measures you have taken to silence Andrei Sakharov, have you gained?

First, perhaps, Andrei Sakharov's views on foreign policy have not recently been directly expressed to the world, although his ideas, such as nuclear control and disarmament, have now become part of your government's official policy.

Second, he cannot release any military information—though he has been barred from such information for many years, and it is hard to believe data twenty years old would have value in today's fast-moving world.

And third, you may possibly believe (though there is much evidence to the contrary) that you gain from Sakharov's serving as an example of what can happen to one who speaks his thoughts, signaling silence to others who might otherwise wish to speak or write their views.

Now what is it, on the other hand, Ambassador Dobrynin, that you lose by persecuting Andrei Sakharov and Yelena Bonner Sakharov?

All over the world, there are thousands of intelligent and educated people who keep Andrei Sakharov and Yelena Bonner Sakharov in the forefront of their minds and conversation in every contact that they make with representatives of your country. More important, because of the Sakharovs, they believe that none of the Soviet professionals they deal with are free to speak their real thoughts. There is a wariness that has to impede progress between your best minds and the best minds of other nations. These are people who have children and grandchildren and realize there must be international and certainly U.S.-Soviet solutions to world problems.

The National Academy of Sciences has now resumed exchanges, but do you really believe this will continue for long if there is not some change in the status of the Sakharovs? I know too many scientists who feel strongly about their confined colleague to believe that it will.

They will not stop the exchanges as a negotiating ploy. They will only stop because they will feel guilty about not trying to help a colleague, because they will feel frustrated and maybe used. It will be an act of despair. They will be torn between wanting progress and wondering if it is possible with a nation that makes a symbol of persecution of one of its own best minds.

You have maintained exchange with foreign book publishers, while denying some admittance to the Moscow Book Fair for expressing their views freely—and while continuing to silence and exile your own writers whom these very publishers publish. The Sakharovs are the most prominent example. At some point, won't the publishers face the same problems as the scientists?

Other exchanges are now starting in many fields because people want to believe

that Mr. Gorbachev does think, particularly after Chernobyl, that exchanges are good, that they do increase understanding between nations and that knowledge can only cross borders where there is a free flow of ideas.

There is, at this moment, great movement among the people of many nations—both private citizens and professional groups—to reach out to the Soviet Union for the sake of all of us.

Ambassador Dobrynin, you have spent many years in the United States. If you are the man I am told you are, you recognize that fair treatment of the Sakharovs would make an enormous psychological difference to many who wish no harm either to the Soviet Union or to the United States—who wish only that the two nations would cease their confrontation, particularly in armaments, and forge a new era of mutual assistance.

Symbolism is important. Releasing the Sakharovs risks so little. Holding them blocks so much. I hope your wisdom and experience will lead you to the same conclusion.

Sincerely,

ROBERT L. BERNSTEIN.

LBJ, CIVIL RIGHTS, AND VIETNAM

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. PICKLE. Mr. Speaker, the decade of the 1960's is remembered for a multitude of reasons. We were a society torn apart; there was violence in our city streets and protests on our college campuses. Our children rejected much that was America, our boys fought an elusive enemy, and America fell victim to social unrest which threatened life as we'd come to know it.

Dr. Walt W. Rostow, aide and confidante of then-President Lyndon B. Johnson, recently spoke on this period and of the forces driving our President to take critical and much-criticized steps. I commend to my colleagues the following statement delivered by Walt Rostow at Hofstra University with certainty that you, too, will be enlightened by his analysis. I think it is an accurate and concise analysis, and it should be brought to the attention of our colleagues.

I. INTRODUCTION: THE PROPOSITION

In the short time available I shall confine myself to one proposition and a brief comment on it. The proposition is that President Johnson's perspective on Vietnam and Southeast Asia was strongly affected by his judgment of the greatly increased future importance to the United States of Asia as a whole. But there was a second strand. His vision of a future where Asians and Americans would live and work in increasing intimacy converged, in the late 1950's, with his assumption of leadership in the Senate on the issue of civil rights leading to the legislation of 1957. This convergence accounts for the reversal of his position on statehood for Hawaii. The mixture of races in Hawaii became in his eyes not, as it had been to those who opposed statehood, a dangerous example and precedent, but an asset

in our relations with Asia and an asset as we struggled to build a peaceful multiracial society of equal opportunity at home.

Johnson's position on civil rights was, or course, not wholly determined by his view of the future importance of Asia. But the latter reinforced his position on the former. He understood that a segregationist America could not be a valid and effective partner with Asia beginning to demonstrate its dynamism in the second half of the 1950's.

II. THE EAST-WEST CENTER SPEECH, OCTOBER 18, 1966

My first insight into this linkage occurred on October 17, 1966, en route from Washington to Hawaii, on the first leg of his three week tour through Asia. Johnson had worked hard with several of us on his major speech in Honolulu to be delivered at the East-West Center. On Air Force One, however, after reading over the draft, he dictated a passage which included the following:¹

"My forebears came from Britain, Ireland, and Germany. People in my section of the country regarded Asia as totally alien in spirit as well as nationality. . . ."

"We, therefore, looked away from the Pacific, away from its hopes as well as away from its great crises."

"Even the wars that many of us fought here were often with leftovers of preparedness, and they did not heal our blindness . . ."

"One consequence of that blindness was that Hawaii was denied its rightful part in our Union of States for many, many years."

"Frankly, for two decades I opposed its admission as a State, until at last the undeniable evidence of history, as well as the irresistible persuasiveness of Jack Burns, removed the scales from my eyes."

"Then I began to work and fight for Hawaiian statehood. And I hold that to be one of the proudest achievements of my 25 years in the Congress."

Later in the speech he referred to Hawaii as "a model of how men and women of different races and different cultures can come and live and work together; to respect each other in freedom and in hope."

There is no doubt that John Burns had a considerable impact on Johnson in this matter. Burns was the Hawaiian Delegate (without voting rights) to the Congress in the late 1950's, and later governor of the state.

Johnson also referred in his Honolulu speech to the East-West Center as "this very special place to me." And, indeed, it was. He initiated the legislation creating the center, nurtured it in the Senate, and was active as Vice President in assuring its funding. It remained to him a living part of his vision of future relations in the Pacific Basin.²

¹ Public Papers of the Presidents, Lyndon B. Johnson, 1966, Washington, DC: G.P.O., 1967, vol. II, pp. 1220-21 (Item 533).

² In the Preface to its 25th anniversary publication, *Asia-Pacific Report: Trends, Issues, Challenges*, Honolulu: East-West Center, 1986, p. vii, the Center's President, Victor Hao LI, observes: "No one could then [1960] have predicted the scope and rapidity of changes that would occur in the Asia-Pacific region in the next 25 years. Nevertheless, the people who conceived the idea of an East-West Center, including then Senate Majority Leader Lyndon Baines Johnson and Hawaii Congressional Delegate John Burns, recognized the inherent dynamism of the region and appreciated its long-run importance to the United States."

The theme of Johnson's 1966 tour through Asia was not Vietnam. It was the future of Asia; the need for Asia to organize regionally to shape its own destiny; his hope and faith that "sooner or later the pragmatic and compassionate spirit of the Chinese people will prevail . . . and the policies of mainland China will offer and permit . . . reconciliation"; and the future role of the United States as "a neighbor among equals—a partner in the great adventure of bringing peace, order, and progress to a part of the world where much more than half of the entire human race lives." He saw the frustration of aggression in Southeast Asia—with the assistance of New Zealand, Australia, South Korea, the Philippines, and Thailand—as a condition for the vision to come to life.

I can attest that this was a major part of the framework within which he viewed our task in Southeast Asia from April 1, 1966, when I went over to the White House from the State Department, to January 20, 1969.

III. INTERPRETATIONS OF JOHNSON AND VIETNAM

In Asia and the Pacific Johnson's view was fully understood. Indeed, leadership in building Asian regionalism was in the hands of a remarkable group of statesmen in the whole arc from Wellington and Canberra through Jakarta and Bangkok to Tokyo and Seoul. Without their leadership, American advocacy would have been fruitless. But neither at the time nor in retrospect was it widely appreciated in the West that Johnson's approach to the problem of Vietnam was deeply rooted in his vision of the inevitably increasing importance of Asia and the need for the fragmented states of Asia to organize on a regional and sub-regional basis. Among western journals only the *London Economist* and *Fortune*, for example, discussed seriously the significance of these themes in reporting his 1966 trip through Asia. As for historical commentary, I would guess that most analysts would accept the central thesis of Leslie Gelb and Richard Betts in their serious study, "The Irony of Vietnam":³ "U.S. leaders considered it vital not to lose Vietnam by force to communism. They believed Vietnam to be vital not for itself, but for what they thought its 'loss' would mean internationally and domestically."

I have no doubt that there were some officials in the Executive Branch in the 1960's who took precisely the view Gelb and Betts assert. But Lyndon Johnson—and, I would add John Kennedy—was not among them. Johnson did, indeed, consider the impact of failure to honor successfully the Southeast Asia Treaty on other American alliances and on American society. But that treaty unambiguously threw the mantle of U.S. protection and commitment over South Vietnam; and he believed that treaty reflected abiding American interests in Asia. And he did not require a super-computer—or even an abacus—to understand that Asia would soon be at least as important to the United States as Europe—if not more important. Incidentally, he would have chuckled with satisfaction at learning that 25% of the undergraduate students at the University of California at Berkeley are Asian or of Asian extraction.

³ Leslie H. Gelb with Richard K. Betts, "The Irony of Vietnam: The System Worked, 1950-1975," Washington, DC: The Brookings Institution, 1979, p. 25.

IV. A CONCLUSION

I have chosen this theme today not to argue that President Johnson was correct; although I believe he was. I chose it in the hope that this dimension of his perspective on Vietnam will be understood and taken into account in future analyses of the 1960's.

His perspective may be worth considering for another reason. Southeast Asia as of 1986 is both a hopeful and a precarious place. President Carter and President Reagan have reaffirmed the continued applicability of the Southeast Asia Treaty to Thailand, including the 1962 supplementary U.S. commitment to act in support of the treaty whether or not other signatories respond. It is by no means certain that we shall again confront military crisis in that region: the ASEAN countries used well the time bought between 1965 and 1975 and are much stronger and more confident now than twenty years ago; Hanoi has had great difficulty trying to consolidate its empire in Indo-China as well as in expanding and modernizing the Vietnamese economy; President Ford and his successors did not accept the actions of the Congress in the mid-1970's as determining long run U.S. policy toward Southeast Asia; our relations with China in that region as elsewhere have changed for the better. On the other hand, large Vietnamese forces are on the long and highly vulnerable Thai border; substantial Soviet naval and air forces operate out of the bases we built at Cam Ranh Bay and around Danang just across from Subic Bay and Clark Field in the Philippines; another large port is reported being built in Kampuchea by the Soviet Union. The sea routes of the South China Sea and through the Straits to the Indian Ocean—so literally vital to Japan and China—and to all the other countries of the Pacific Basin—are not as secure as they were.

Not many recall that Franklin Roosevelt cut off from Japan the flow of scrap iron and oil and sequestered their assets when they threatened those routes by moving their forces from northern to southern Indo-China in 1941. And FDR's eight successors—without exception—have all asserted our security interests in the area. The nine presidents may have been wrong; but I suggest that it would be useful, in this period of relative calm and hope for the Pacific Basin, that we as a nation come to a stable consensus on our policy toward the region.

FISCAL YEAR 1987 BUDGET: COMMITMENT TO OUR CHILDREN AND FAMILIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. MILLER of California. Mr. Speaker, the budget resolution which was passed by the House on May 15 deserves the support of every Member of this House, for several important reasons. This budget makes a serious and immediate downpayment to reduce the deficits that constitute a major threat to the long-term fiscal security of this Nation.

Unlike past budgets, however, the House wrote a budget which equitably reduces Federal spending. Our cuts are divided almost exactly 50-50 between defense and domestic spending, as directed by the deficit reduction

law. In the past, our budgets, imposed enormous domestic cuts, awarded huge increases in spending to the Pentagon—but paid for them by increasing the deficit. We are all indebted to former OMB Director David Stockman for his congenial analysis of how this deceitful strategy was practiced by the White House and OMB over the last several years.

We should support this budget for another reason, too. For after years of mindless retreat, the Congress is drawing a line in the sand and refusing to ratify additional cutbacks in successful programs that provide essential health, nutrition, and education services to the people we represent, including children, who are the poorest of all Americans.

As the chairman of the Select Committee on Children, Youth and Families, which I am honored to chair, I am especially pleased that the House passed a budget which recommit this Government to intelligent and humane domestic policies that invest in the future instead of stealing from it to pay for the Pentagon and the deficit.

POVERTY, ILLNESS AFFECTING CHILDREN

We are all paying—and we will continue to pay—an enormous price for our habit of stealing from the future:

Three million newly impoverished children since 1979, the greatest 5-year increase in three decades;

Over half of all black preschoolers are inadequately immunized against childhood disease; and

Postneonatal mortality and low birthweight rates are rising, in a country with the most sophisticated medical technology and best trained practitioners in history.

And what was the response of the administration? They proposed cutting children's programs \$5 billion below the inadequate services we currently provide.

Those cuts would be in addition to the nearly \$3 billion cut from children's discretionary programs in the last 6 years.

The staff of the House Select Committee on Children, Youth and Families has prepared a summary of the real cuts in basic support services for children since 1980, which I am submitting for the record at the end of my remarks today. This analysis demonstrates that each year, our most vulnerable children are protected by a bipartisan Congress from the President's budget.

Mr. Speaker, there is something very wrong when the leaders of this Nation look down from their positions of power and privilege, and tell the poorest, the sickest, the most vulnerable, and powerless among us, that they must sacrifice more.

There is something very wrong, Mr. Speaker, when year after year, the greatest burden for reducing the deficit must fall on those who have given up the most and who have the least.

There is something terribly wrong when the defenseless must sacrifice food, education, and housing so that the Defense Department can spend \$800 million of our tax money every day—and far more if the administration gets its way.

This year, we are going to reach different conclusions because of Gramm-Rudman—which I didn't support, but which is the law—

because of the size of the deficits and because of the failure of the administration to propose serious and equitable ways to reduce the deficit.

This year this Congress and the American people are going to have to do something that I have been calling for since I first proposed the "Pay As You Go" budget back in 1981: We are going to have to make tough choices.

And I believe that this Congress, like the Budget Committee, will not abandon our children, our families, and our poor.

One of the important reasons for that change is that these programs make good economic sense, as well as good social policy. All the studies, including those by this administration, prove it.

SOUTHERN GOVERNORS' INITIATIVE

Let me quote from a recent address by the distinguished Governor of the State of South Carolina, Richard W. Riley, who has been an outstanding leader in promoting cost-effective health policies in his State and throughout the South.

[From remarks of Gov. Richard W. Riley (SC) before National Governors' Association Human Resources Committee, February 24, 1986]

In Virginia, women who received comprehensive prenatal care had a low birth weight rate of 73.7 per 1,000 live births, in contrast to 262.5 for those without prenatal care—a three-fold difference.

In Kentucky, the perinatal death rate for women with prenatal care was 15 per 1,000, compared to 77 per 1,000 for those without prenatal care.

In Missouri, babies born to white women who had prenatal care had a prematurity rate of 50 percent lower than those born to white mothers who had prenatal care.

The cost effectiveness is clear.

The American Academy of Pediatrics reported in 1984 that cost effectiveness estimates range from two to ten dollars saved for every dollar spent on prenatal care.

Oregon officials found the cost of treating five high risk babies would pay for providing prenatal care to 149 women.

The Virginia State Perinatal Services Advisory Council found that by providing better prenatal care, the state could save \$49.8 million in state expenditures for long term care for the mentally retarded per year.

The California Department of Health Services estimates that \$6-7 million in neonatal intensive care expenses for 3,700 low birth weight babies could have been saved if their mothers had had prenatal care. This care would have cost only \$2.8 million, less than half of what the immediate intensive care costs were. If one were to include the long term care costs, the savings would be even higher.

Michigan state officials found that over six dollars could be saved on every dollar spent by the state to provide prenatal care to 14,000 uninsured women. Without prenatal care 6,000 of the babies born to these women would need NICU care. With prenatal care, at least 1,500 of these babies would not need neonatal intensive care services, saving over \$30 million.

Colorado Department of Health officials, considering the savings prenatal care would bring by prevention of prematurity, estimate that nine dollars would be saved for each dollar spent for prenatal care. If long term costs were included, the savings could

be as much as eleven dollars for each one dollar spent on prenatal care.

In order to provide all poor women whose income are below the federal poverty level with access to prenatal care services, we need to amend the Medicaid law so that states may target preventive services to improve birth outcomes. The Medicaid program is currently paying a high cost for illnesses.

This year, our budget includes a "Children's Initiative" to target additional funds to proven programs that save money, and save lives at the same time.

Let us be very clear: Many programs for children and families are still going to be cut in this budget. Under this budget, we will cut an additional \$43 billion from the domestic budget over the next 3 years. More than half that amount will come from nondefense discretionary programs; another \$18 billion will come from nondefense discretionary programs; another \$18 billion will come from entitlements, many of which serve poor, elderly, handicapped, and undernourished people.

But we are going to make a modest effort, because to continue to ignore the growing human need in this country—in order to feed the Pentagon—is unconscionable, as well as bad economics.

THE CHILDREN'S INITIATIVE

In function 400, we add about \$25 million for Indian Child Welfare Service about current levels, a tiny effort to address the chronic problems faced by native American children.

In function 500, we support several of the key education programs, because education has lost about 22 percent of its budget since the Reagan administration came to office. So we restore some support to the programs for the handicapped, to disadvantaged children and to Indian children.

We provide an additional \$100 million for Head Start, a program the administration loves to compliment but forgets to fund. Head Start is one of those highly successful programs that reaches only a fraction of the eligible population, even though we know that children who participate will perform better in later schooling.

We provide a very modest increase in title IV-B, Child Services, which is the preventive service program which helps prevent unnecessary and excessively long placements in foster care and other types of costly maintenance programs.

And we meet the funding target for Graduate Student Loans which is contained in H.R. 3200, which we have approved.

In function 550, we provide \$25 million for an expanded childhood immunization program, and \$75 million for the Maternal and Child Health block grant. And we adopt the unanimous recommendation of the Southern Governor's Association to expand Medicaid eligibility to families which are below the poverty line. If there is any serious question whether we need this expanded medical coverage, let us recall that one-third of our Nation's poor children either have no medical insurance, or are covered for only a portion of the year.

Medicaid, which provides health care to the poorest children, reached only 49 percent of the poor—compared to 65 percent in 1969.

We provide an increase of about \$70 million for WIC, the Women, Infants and Children supplemental feeding program, which today reaches fewer than half the high-risk people who need it. And many States—Florida, Kansas, Washington, Arizona, Idaho, Alaska, Utah, Arkansas, Hawaii, and my own State of California—serve 30 percent or less.

Now this is a very modest and responsible plan. We are investing in successful programs, and we are investing in the future of these families and these children. For we know that if we fail to respond today, they will revisit us for a generation and more to come, costing more each step of the way in remedial, unemployment, health care, and law enforcement.

As the man in the television commercial used to say, "You can pay me now, or pay me later."

To those in the Senate and the administration who say we cannot afford these minor increases, I challenge you to tell us your alternative for avoiding the poverty, the sickness, the illiteracy, the joblessness, the crime, the despair and the social unrest which we know are the inevitable results of Government's indifference: "Growth in the economy," as promised by Mr. Stockman and Professor Laffer? The evidence shows that despite a booming recovery, millions of Americans, especially children, are being left behind, and will stay behind for their entire lifetimes if we leave their well-being to the luck of the marketplace.

CHILDREN NOT A PARTISAN ISSUE

Let us not make this into a Democrat versus Republican, big spender versus deficit cutter, liberal versus conservative, issue. Our research on the select committee shows we can overlook those traditional polarizations and come together behind fiscally sound policies that help kids.

That is the select committee's message in our "Opportunities for Success" report, which was endorsed by committee members of both parties. That is the message of the Southern Governors, Democrat and Republican, who endorsed the health initiative we have incorporated in our budget.

Let's stop the inflamed and inflated rhetoric around this budget. The American people recognize bombast when they hear it. They know tough choices have to be made.

The American people aren't expecting miracles from this Congress, but they are expecting the truth, some compassion and decency, and the courage to say "no" to an insatiable, \$800 million a day military machine.

They don't believe that the Pentagon is going to starve to death on the \$285 billion this budget will give it next year, and they are right.

And they know that we cannot continue to demand more and more sacrifice from those who have less and less—our schools, our children, our poor, our troubled teenagers, our single parent families, our elderly, and our sick.

So I call upon members of both parties to support the House budget as a responsible, if painful, effort to move this country back to fiscal health. It is a budget which shows compassion, realism, and is honest with the American people about what we must spend and

what we must do to fulfill our promise to every American and to restore this country to greatness.

The report of the staff of the Select Committee on Children, Youth and Families follows:

A 1986 CONSTANT DOLLAR ANALYSIS OF FUNDING FOR PROGRAMS WHICH ASSIST CHILDREN: HIGHLIGHTS OF THE REAGAN RECORD 1980-86: REAL CUTS IN BASIC SUPPORT SERVICES FOR CHILDREN

Total spending on major discretionary programs assisting children declined by (over \$2.9 billion) or nearly 15 percent over the last six years.

Social services

Hardest hit among programs for children were those funded through the Social Service Block Grant (SSBG). Over the past six years, the SSBG was cut by over \$1.2 billion. Funding in FY 86 was one-third less than in FY 80.

Funding for child abuse prevention and treatment suffered a 19 percent decline between 1980 and 1986.

Education

Compensatory Education Programs for Disadvantaged Children (Chapter I) lost over \$870 million since 1980.

In addition to Chapter I cuts, vocational education was cut by \$250 million, bilingual education by nearly \$100 million, and Indian Education by \$40 million. Overall spending for major education programs declined by over \$1.25 billion, a 22 percent reduction.

Health

Spending on major health care programs (apart from Medicaid) declined by over \$800 million or 32 percent.

Despite a national problem of teenage pregnancy and rising numbers of single parent families, funding for family planning services was cut by nearly one-third between FY 80 and FY 86.

Spending on programs under the Preventive Health Block Grant in FY 86 was less than one-third the amount budgeted for FY 80. Programs under the Alcohol, Drug Abuse, and Mental Health Block Grant were cut by nearly 50 percent over the last six years.

Child nutrition

Child nutrition programs were cut by over \$400 million or by nearly 10 percent since 1980. The school lunch program alone was slashed by nearly 50 percent.

Entitlement programs

Since 1980, nearly two million children have fallen into poverty, a 16 percent increase. Yet funding for AFDC, the primary income support entitlement program for children in poor families, declined by nearly \$300 million.

Food Stamp benefits rose by only \$60 million between 1980 and 1986, an increase of less than 1 percent.

THE PRESIDENT'S FY 1987 BUDGET PROPOSES STILL MORE DEVASTATING CUTS

Funding for all programs assisting children, including entitlement and discretionary programs, would be reduced by over \$4 billion in FY 87. The amount budgeted would be \$5 billion below the amount needed to maintain current service levels.

Discretionary programs alone would suffer over \$1 billion in cuts, bringing the total to over \$4 billion through FY 1987, a 20 percent decline since the beginning of the decade.

Social services

FY 87 funding for the Head Start program, proven effective in preventing early school failure among low income children, would be \$22 million below the amount needed to maintain current enrollment levels.

Education

Combined with earlier cuts, overall spending on major education programs would be nearly 30 percent lower in FY 87 than FY 80.

Funding for vocational education would be slashed by over 50 percent in FY 87. Total funding for the program would be two-thirds below the FY 80 level.

Child nutrition

The President would further reduce spending on child nutrition by \$625 million, bringing the total amount cut from the program to over \$1 billion through FY 87. The school lunch program would be targeted for a \$500 million cut, reducing spending from FY 86 levels by 95 percent, and effectively eliminating the program for thousands of moderate and low income children.

Entitlement programs

The Reagan budget would cut FY 87 funding for AFDC by over 1.5 billion, the single largest proposed cut in children's programs.

Funding for health care services under Medicaid would be cut by over \$700 million in FY 87. The amount budgeted would be 1.2 billion below the amount projected by CBO needed to maintain current service levels.

FY 87 cuts in funding for child nutrition programs combined with a cut of over three quarters of a billion dollars in Food Stamps would reduce spending for the two primary nutrition programs serving children by \$1.4 billion.

BLACK HERITAGE DAY PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. RODINO. Mr. Speaker, on Sunday, May 25, I will have the honor of once again participating in the Annual Black Heritage Day Parade in Newark, NJ. As in the past 8 years, thousands of people will line the streets to rejoice in the rich contributions Afro-Americans have made to the culture and heritage of our Nation.

The sponsor of this event is the Black Heritage Day Parade Committee, a nonprofit organization that was established in 1978 to educate black people in Newark about the richness of their heritage and to foster cooperation and unity among the diverse groups of people who are all committed to equal rights in our society.

In addition, the committee also helps provide seminars in black history for Newark residents, particularly young people, and in other ways build a sense of community pride and awareness in the achievements of black Americans—on both a local and national level.

I would like to express my appreciation and commendation to the many, many people who have worked so hard to make sure that this celebration will be a success. Specifically, I want to recognize the parade officers—Mr.

Kurt A. Culbreath, chairperson; Mr. Michael Cook, co-chairman; Ms. Alberta Hunt, treasurer; Ms. Deborah L. Bryant, secretary; and Mr. Shawii Johnson, sergeant at arms.

The marshals of this year's parade represent some of the leading organizations in our community. The grand marshal will be Hon. Larry Hazzard, Commissioner, Boxing and Athletics; and the deputy grand marshal will be Hon. Wyman E. Garrett, MD, Obstetrics and Gynecology. The mistress of ceremonies will be Ms. Edna Bailey, Editor, Newark Star. All of these individuals have played crucial roles in the fight for equal justice and civil rights. They have given a great deal of themselves for the betterment of our entire society, and I salute them for their outstanding work in our community.

The theme of this year's Black Heritage Day Parade is "A Tribute to Black Athletes."

The significant advances black Americans have made are too numerous to be mentioned here, and we all know the names of the laws we worked to pass and the social programs that were implemented as a result. The important thing now is to guard against those who would turn back the clock on civil rights. We cannot afford to let that happen.

While all of these laws and programs may not work perfectly, there can be no doubt that they have made a great improvement in the quality of life of millions of Americans and, more importantly, that they have brought the prospect of opportunities to those to whom the doors were previously closed. But instead of the fine tuning that may be necessary to perfect these programs and laws, we have seen the imperfections being used as an excuse to undercut or abolish them.

And so, while we joyously celebrate 20 years of progress we must be ever vigilant to those who would reverse our successes. We often feel that, instead of moving toward Dr. King's "sunlit path of racial justice," we are merely struggling to mark time.

In the quest for freedom, there will continue to be struggles ahead. Yet I am confident that we shall be on the march again under the banner of equal rights and justice for all of our citizens, and that we shall again prevail.

A TRIBUTE TO THE ALLENTOWN FIRE DEPARTMENT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. RITTER. Mr. Speaker, I would like to commend the Allentown Fire Department for its efforts in fighting muscular dystrophy every year for the past 4 years, the department has held a Muscular Dystrophy Fun Fair to raise money for the cause. This year, the military joins the effort to raise money during the fair on June 7.

The U.S. Marine Corps, the U.S. Air Force, the U.S. Navy, and the Pennsylvania Army National Guard will be attending the fair and the day will be dubbed Military Appreciation Day in their honor.

I think it is important that a community service joins with the military to fight such a debilitating disease.

A REFORM WORTHY OF THE NAME

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. COURTER. Mr. Speaker, the Senate Finance Committee has put together a tax overhaul plan which would go a long way toward establishing a fairer Tax Code for individual taxpayers which, at the same time, preserves or creates important incentives for economic growth in the private sector.

Indeed, there are areas in the Finance Committee initiative which must be significantly altered. But the following editorial from the Record of Hackensack, NJ, points out that any major changes must maintain the incentives for growth and equitable approach of the overall plan.

A REFORM WORTHY OF THE NAME

The Senate Finance Committee has turned a pumpkin into Cinderella's coach. In the twinkling of an eye the committee's first tax plan, which Chairman Robert Packwood and colleagues had laced with special-interest loopholes, was no more. In its place, a new deal for taxpayers—one of the rare pieces of legislation which actually deserves to be called a reform. But in the fairyland of Washington, alas, all this can disappear as quickly as it took form.

The Committee's proposal, one of the most important economic measures in a decade, offers fairness, efficiency, and, for many taxpayers, more money in their pockets. Rates would be cut and trimmed and 6 million of the nation's wage earners will be dropped from the rolls completely. To pay for the cuts, the committee wants to close many of the loopholes that have allowed countless millionaires and corporations to pay little or no taxes. Tax shelters that have helped clog cities with pointless new office buildings would be abolished, diverting hundreds of millions of dollars to more productive use. Capital gains would be taxed as heavily as other income, and corporate taxes would rise.

Washington's springtime green is about to disappear beneath a flood of corporate blue, however, as thousands of lobbyists and business people mobilize to see that none of these worthwhile changes happens. They have a full month before the Senate votes on the tax bill. That means a month to work the telephone, visit congressional offices, prepare detailed position papers, and speak, more or less indirectly, of campaign contributions. Once the Senate votes, a House-Senate conference committee is still to come. Real-estate agents and home builders will fight for tax breaks traditionally enjoyed by their industry. Companies like General Electric and General Dynamics that pay little or no tax will fight to keep it that way.

The lobbyists can be beaten only if everyone who has ever muttered about tax revolts realizes they have a historic opportunity. There's a good argument for several changes. Individual Retirement Accounts, for example, provide a good way to supplement private pension plans and Social Security,

and it's easy to question the committee's decision to end IRA benefits for most taxpayers. But restoring this break, used chiefly by those earning more than \$30,000-a-year, will cost the federal government \$30 billion over five years. That might lead to a move to raise corporate taxes, which would lead corporations to demand special favors in compensation, and on and on and on. Members of the Senate and the joint committee should close the door on all amendments, for fear of starting a chain reaction that could destroy the bill.

Part of the credit for the tax plan must go to President Reagan, who made tax reform his chief domestic priority for his second term. Part goes to Mr. Packwood, who worked with diligence and imagination.

But the proposal is above all a personal victory for Sen. Bill Bradley. It was Mr. Bradley who first proposed a tax package that is very similar to the one endorsed by the committee, and Mr. Bradley who worked doggedly for five years to sell tax reform to his colleagues. It was Mr. Bradley who, with tact and persistence, helped persuade Mr. Packwood to call a halt to the explosion of giveaways that the chairman first contemplated.

Mr. Bradley says he first realized the unfairness of the tax system when, as a highly paid young superstar for the New York Knicks, he listened to a tax lawyer coach him in ways to avoid taxes. It's a conversation the lawyer has cause to regret. It's likely to mean the demise of a cumbersome tax system that has benefitted only the very wealthy and their highly paid tax experts.

ANDREI SAKHAROV

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. FEIGHAN. Mr. Speaker, this morning, Members of the House had an opportunity to join with Dr. Yelena Bonner and celebrate the 65th birthday of her husband, Nobel Peace laureate, Andrei Sakharov. Dr. Bonner, who this week ends her brief stay in the United States, will shortly return to Dr. Sakharov in the closed city of Gorki, where they have lived in internal exile for the last 6 years.

The inhuman and unjust treatment of these two remarkable human beings has been noted many times on the House floor. The Soviet government deserves the condemnation of all free people for their unconscionable treatment of the Sakharovs. Andrei Sakharov and Yelena Bonner, despite years of torment, psychological and physical torture, and their separation from friends and loved ones, stand as beacons in a dark land. Their determination, their courage, and their love inspire the efforts of all who care about the cause of human liberty and the spirit of freedom.

President Reagan has proclaimed today National Andrei Sakharov Day, in fitting tribute for this remarkable man. Despite his present confinement, we join in praying that the Soviet government will at long last recognize that the exile of Sakharov does nothing to assist the cause of world peace, that it troubles and concerns all of us, and that it reduces the chances for a lasting peace and real cooperation between our two people.

I have written a note to Dr. Bonner, expressing the best wishes of all Americans to her and her family on Dr. Sakharov's birthday. Though he is unable to celebrate with those he loves most, he can be secure in the knowledge that he is not forgotten, that his cause and the cause of liberty for all who are oppressed in the Soviet Union remain in our minds and in our hearts, and that his is a voice that can never be silenced.

Mr. Speaker, I ask that my note to Mrs. Bonner on her husband's 65th birthday be included in the RECORD following my remarks.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1986.

DEAR MRS. BONNER. I join with all Americans in extending my best wishes to you and your family on the 65th birthday of your husband, Nobel Laureate Andrei Sakharov.

The fate of Dr. Sakharov, a towering figure of the 20th Century, will continue to be of grave concern to us until he receives the freedom for which he has so valiantly struggled.

Please extend to him our admiration and respect and our determination to pressure the Soviet government on your behalf and on behalf of all who seek the truth, fight for justice and inspire the cause of humanity.

Best regards,

EDWARD F. FEIGHAN.

A GERMAN PERSPECTIVE OF AMERICA

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. GRADISON. Mr. Speaker, recently I had the privilege of having a foreign fellow in the 1985-86 Congressional Fellowship Program in my office for 4 months. Mr. Klaus Frankenberger is a doctoral candidate and former research associate at the Institute of American Studies of the University of Frankfurt.

After the completion of his fellowship, Mr. Frankenberger wrote a thoughtful essay on the American constitutional system, challenging some of his previously held assumptions, and comparing the American and European approach to government. I hope my colleagues find his remarks of interest. A somewhat shorter version of this essay recently appeared in the Cincinnati Post. I am glad to report that Mr. Frankenberger is now a member of the professional staff of the American Embassy in Bonn.

GERMAN-AMERICAN PERSPECTIVES

Klaus D. Frankenberger

As a German student of American government and politics, I was granted the opportunity to be immersed in the mechanics, processes, and subtleties of the U.S. Congress. I witnessed firsthand the crucial importance of the personalities of congressional policymakers in shaping issues, debates, and finally, legislation. So I am tempted to reflect upon some selected aspects of my temporary host country from foreigner's perspective. Hopefully, my observations are not excessively biased, and my generalizations do not transcend reasonable limits of validity.

The American government is made up of an elaborate system of institutions competing for legislative authority and political influence. The Constitution provides for a complex system of checks and balances which divides power among (and within) separated governmental institutions, but makes their functional cooperation a prerequisite, without which no policies can be formulated and no legislation passed. This means, of course, that major political issues will usually only be resolved after a time-consuming and protracted bargaining process has produced a viable consensus among the political actors.

The necessity to arrive at a consensus is reflected in the internal structures and arrangements of Congress itself. Open to the influence, and pressure, of outside political and social forces, members of both the House of Representatives and the Senate actively participate in all stages of the decision-making process. Compared to Germany (and other Western democracies), little power is vested in the leadership of both the Senate and House or in the leaders of both parties. Instead, power is dispersed among a plethora of committees and subcommittees which jealously guard their turf. But ultimately, it is the individual elected members who hold the balance of power, as they see to their political interests, and not their party leadership as would be the case in the German Bundestag.

Without question, there are highly visible Congressmen and Senators who set the agenda and channel the flow of congressional activities and, of course, there is the President who is the focus of most of the public and media attention. But to ignore the concerns and reservations of the individual members over a period of time only invites retribution and conflict in the future.

Members of Congress, even though clearly identified as Republicans or Democrats, are political entrepreneurs in their own right. Unlike German political parties which are strong socio-political organizations that have all the necessary instruments to whip wavering members into line, even denying them a slot on the ballot for the next election, American parties reflect the much more heterogeneous nature and diversity of the American society. By comparison, if not design, American political parties display organizational weakness and programmatic ambiguity.

Members of Congress do not rely on their political parties for their mandate to serve in the Congress. They may rely on them for broad ideological perspectives, and look for specific cues when it comes to policy areas that do not fall within the realm of their parochial interests. But their political office is hardly predicated on the parties; rather, it is based on their own campaigns which, in turn, focus almost exclusively on their district or state.

As political entrepreneurs, they constantly seek to reap individual political benefits, the most prized of which is reelection (which will allow the incumbent to climb to the next step on the congressional seniority ladder). The entrepreneurial style is enforced by election campaigns that are managed by the candidates' own campaign organizations. They are exclusively set up for the purpose of devising a campaign strategy, and raising the funds to wage credible campaigns. In Germany, it is the parties that provide the logistics of the campaigns, and elections are publically funded.

To cater to what he perceives are his constituents' interests is the *raison d'être* of

any members of Congress. These interests are endlessly laid out for him by vocal groups of constituents who do not hesitate to remind him that THEY are the final arbiter. Even though a member's decision might reflect his own principles, his degree of loyalty to his party, to the President, and to the institution in which he serves, the commitment to his district takes precedent.

Members generally follow the same ground rules in that they are trying to distribute as many government benefits as possible among their respective districts, notwithstanding their sometimes contrary ideological beliefs that may point in the direction of leaner government. Because they vigorously articulate and defend their constituents' concerns, the final national policy which Congress and the President agree upon often merely cumulates parochial interests.

The recent examples of tax reform, and pork barrel, and agricultural subsidies, among others, illustrate a general process in which, from a European perspective, the national interest, conceptually transcending pure parochialism, is often ignored, if not seriously compromised. In Europe, the federal government is executing the "national interest" on the basis of party and civil service support. In the U.S., the "national interest" is the result of the political interaction of many independent individuals and groups who usually approach the process from different perspectives. The open state of the American "national interest" in subject to the political interpretation and influence of shifting coalitions which follow their own economic needs, their ethnic heritage, or their moral persuasions.

American policymaking, through protracted bargaining and consensus, is time consuming, prone to stalemate, and even inefficient. Only with a clear sense of urgency and crisis is the process expedited and stripped of its built-in delaying procedures. However, this system is a true expression of a pluralistic and open society guaranteeing participation to the largest possible extent. It is "conservative" in the sense that major policy changes can only be brought about when a substantial majority consents. And, as former Representative Barber Conable often remarked, that's just what the founding fathers intended.

This contrasts with well-entrenched aspects in the German form of government which is also representative in nature, but which discourages a wise use of plebiscitary instruments. Truly a PARTY democracy, it bestows on the PARTIES almost "constitutional" status. They, together with the bureaucracies, shape policies and make decisions. In Germany, and other developed democracies, it is the PARTY, NOT the individual member, which is responsible for the operation of the various branches of government. The distribution of party strength in the German Bundestag shapes almost totally the decision-making process. This makes the decisions highly predictable.

The American and German economies operate under the same broad principles of competition and market-induced adjustments of economic behavior, but there are substantial differences in the degree of government intervention in the economy and the state of industrial relations which supplement microeconomic policy.

What are the consequences of these differences? One is that the German economy has produced NO net increase in employment since the EARLY 1970s. This, of course, contrasts dramatically with the

American experience during the same period in which 26 MILLION new jobs were created. What explains Germany's dismal employment performance (including unemployment rates that have persistently hovered around the 9% mark for the better part of the 1980s)?

The German economy has grown by productivity growth rather than by producing more goods and services by an enlarged workforce. Through productivity growth, the nation increased its wealth and international competitiveness, and bolstered wages. But the German economy did not, however, enhance the chances of those entering the labor market and who do not find gainful employment as readily as in the U.S. This leads to an unemployment situation where up to two-thirds of those who file for unemployment benefits in Germany are longterm unemployed (compared with 28% in the U.S.).

The picture is just the opposite in the U.S. where short-term unemployment predominates. This is not to ignore the regional pockets of serious long-term unemployment which is partly associated with the reduced demand for labor in the manufacturing sector due to automatization and foreign competition. But it does emphasize the highly dynamic nature of the U.S. labor market. Changes in the American economy have wrought a service sector in which, by now, more than 70% of all nonfarm employment is concentrated. The service sector's potential for job creation has been unheard of in Europe.

Germany has tried to restructure and modernize its industrial sector which has bolstered the country's international economic position and served as the key to its economic success and political stability for the past 25 years. Germany's is still an industrial economy, albeit a very modern one. Structural changes in the economy, which can lead to dislocation and frictions do not command an outright enthusiasm among the major players in German politics, even though most will acknowledge the desirability for change.

Unlike Germany's the American economic system provides significant opportunities for those individuals willing to assume risks, and exhibit flexibility and geographic mobility. Social mobility usually follows in lockstep. Risk-taking and the economic appreciation of the flexibility to pursue different careers in various economic fields lie at the heart of the innovation and dynamics in the American economy. Risk-taking and broad-based economic innovation are culturally encouraged in the U.S. In Germany, they are treated with suspicion. In the U.S., material benefits and social recognition are bestowed on entrepreneurs who successfully face competition. That is not the case in Germany.

And unlike Germany, those who fail do not have the advantage of being absorbed by generous and more extensive social-welfare programs as in the German case. In Germany, a vast array of transfer payments, provided for by each level of government, come virtually as entitlements, some of which any citizen is eligible to claim regardless of his or her income. It is one of the modern ironies that European societies have developed into social-welfare states, but are reluctant to embrace the policies that would sustain these benefits in the long run. Compared to the dynamics of the American society, they may be described as status quo oriented. It is often argued that European societies find positive aspects in

their lack of labor mobility because persistent social and economic change undermines social cohesion and threatens the particular fabric and quality of life which they cherish.

Generous social benefits contributed in the past to a remarkable social consensus and stability in Germany. But they also created the expectations of future benefits to come, but at a time when the governments' financial capacities will likely reach limits. These expectations have solidified into attitudes that assign to all levels of government a fundamental role in eliminating any adverse situation in life and, conversely, to an economic structure that minimizes the individual's responsibility to enhance his own potential; they further weaken the notion of individual initiative and entrepreneurial innovation.

Adding to this, German state and local bureaucracies which closely monitor any economic operation, do not encourage initiative and innovation. Perceived as a potential threat to their role, German bureaucracies, to a much greater extent than American ones, deeply mistrust economic, social, and cultural initiatives and new approaches.

In sum, variations in the relationship of government and society distinguish the U.S. from Europe in general, and Germany in particular. In the U.S., the social and economic systems have preserved a good deal of their internal autonomy. In contrast, in Germany, the government has assumed an enormous role for resource allocation and social intervention to the extent that is not politically acceptable in the U.S. Based on a traditional orientation toward the authority of the government, a welfare state paternalism is still strong in Europe, while it seems to be waning in the U.S.

The U.S. and Germany share the same basic and fundamental values. They protect civil liberties and human rights under constitution and law, they cherish due process; they subscribe to democratic forms of government and organization. But, still, they entertain different concepts of what the role of government should be in the resolution or amelioration of social and economic problems.

Recently, however, Germany is looking more to the individual as the principal actor of social and economic change. And the notion of more flexibility in such diverse areas as the labor market, transportation, education, development, and even the regulation of business hours is favorably received by a growing audience.

EAST END HOSE AND CHEMICAL CO., NO. 1, HONORED

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. RITTER. Mr. Speaker, on June 7, the East End Hose and Chemical Co., No. 1, of Catasauqua, PA, will be 75 years old. On June 7, 1911, 73 people pledged themselves to become members of the company.

In 1912, a hose cart was purchased along with 300 feet of hose. In September of that year, a lot was purchased to house the equipment and by 1913, a contract was awarded to erect a building. With the members furnishing most of the labor, the whole project was completed the next year.

By 1925, the company was ready to buy its first motor-driven vehicle with funds raised by public subscription.

In 1948, a ceremony was held to burn the mortgage for the building and, the next year, a new fire siren was connected to the Borough Hall alarm system.

The company has seen its membership grow from the original 73 back in 1911 to more than 300 this year. It has 19 well-trained firefighters.

I want to take this opportunity to commend the East End Hose and Chemical Co. on 75 years of community service.

INTERNATIONAL PORK BARREL

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. SMITH of Iowa. Mr. Speaker, no national defense topic is more publicized and controversial than the President's strategic defense initiative, better known as "Star Wars." Editorial comment, pro and con, from across the Nation has appeared in the RECORD. To add to this discussion, with another regional viewpoint, I am submitting three editorials that have appeared in the Des Moines Register in recent months and ask that they be published in the RECORD.

[From the Des Moines Register, Dec. 15, 1985]

INTERNATIONAL PORK BARREL

Britain's decision to join the United States in Star Wars research holds more political than technological significance, although the British may be ahead of U.S. science in such fields as laser research and optic computers.

The agreement makes it likely that several other European allies, particularly West Germany and Italy, will also fall in line on President Reagan's Strategic Defense Initiative. A German spokesman said the British decision "will certainly play a role for us, because [we have] always said that in no circumstances would we want to be alone."

The Europeans have been reluctant about Star Wars. They see it as defending only the United States (if it works) and not Europe, and they share the fear of Star Wars opponents everywhere that it will speed up the arms race. Moreover, it would force the Soviet Union to build a similar system, and even if that shield were full of holes, it would end whatever deterrent credibility the British and French nuclear arsenals hold.

The British seem to have signed up more for the dollars than for the principle. British Defense Minister Michael Heseltine said the agreement will bring "substantial awards" to British companies from a presumed \$26 billion pot and will create "a significant number of jobs."

However, the British failed to obtain a guarantee of \$1.5 billion worth of contracts that they were insisting upon last summer. They also wanted to be guaranteed the right to use whatever technology they might develop.

Secretary of Defense Caspar Weinberger said British companies will be allowed to compete for research contracts in 18 specified areas, so they could get more or less than \$1.5 billion.

As to sharing the fruits of the research, the American position is that U.S. law is restrictive on this point. But spokesmen for both sides said the agreement "lays down the ground rules" and contains a "political commitment" to give Britain a "significant role."

In addition to bringing Britain some dollars, and encouraging other European allies to join up, the agreement is likely to weaken American opposition to Star Wars by enabling the administration to say: Look, the Europeans know a good thing when they see it.

So do many American scientists and the universities and industries that employ them. Unfortunately, the good thing that they see is \$26 billion for research contracts over the next five years—if Congress authorizes it.

Their own lobbying would likely have been sufficient, but approval seems more certain if no one can say that Star Wars is dividing the United States and its allies. The pork barrel has gone international, and the contents will be much more dangerous than dams and inland waterways.

[From the Des Moines Register, Dec. 21, 1985]

THE CHICKENS WILL GET AWAY

"You strap a chicken down and blow it apart with shotguns, and say shotguns kill chickens. But that's quite different from trying to kill a chicken in a dense forest when it's running away."

That's how Dr. Roger Hagengruber, director of systems studies at Sandia National Laboratory, described what has been happening, and will happen more and more, in testing components of the president's "Star Wars" Strategic Defense Initiative.

To retain public and congressional support during the long years when Star Wars will be only a future possibility, developers of the SDI are being asked to concentrate on tests of elements that are likely to show quick, deceptively impressive results.

Meanwhile, in Moscow, word is being spread about Soviet countermeasures to Star Wars. The talk is of space mines, dummy missiles and special coatings on real missiles that would harmlessly deflect Star Wars' radar beams. Some of those things may work, and few American scientists talk anymore about the "perfect" defense to which Ronald Reagan still alludes occasionally.

If such gimmicks don't do the job, there is one thing that will: more missiles. The Kremlin also has that in mind, though it probably would begrudge the cost.

Facing a 99-percent perfect SDI, the Soviets could target 100 warheads on each of the 100 largest American cities. As the tiny (by present standards) Hiroshima bomb proved, the one missile that might reach each targeted city would be more than enough.

In the face of that kind of reality, does it greatly matter whether "strapped-down chicken" tests lead to a 99-percent or a 79-percent perfect SDI—or to one that won't work at all?

Whatever the number, too many of those chickens in the woods are going to get away.

[From the Des Moines Register, Jan. 16, 1986]

MAY NOT BE SCIENCE FICTION

It sounds like science fiction: powerful laser beams from space incinerating cities. In fact, it has been a topic of science fiction. But a study by R&D Associates, a military-

oriented think tank, warns that this could be one consequence of President Reagan's Strategic Defense Initiative.

"Star Wars" would rely on immensely powerful laser beams to destroy enemy nuclear warheads in the air. But a laser is not inherently defensive, the study reminds, and "a laser defense system powerful enough to cope with the ballistic-missile threat can also destroy the enemy's major cities by fire . . . in minutes. Not nuclear destruction, but Armageddon all the same."

The authors of this report are advocates of a strong defense, and their concern was that the "enemy" destroyed could be the United States, if President Reagan went through with his offers to share Star Wars technology with the Soviet Union. Even if he doesn't share it, the Soviets might catch on and make it themselves. They always have done so in the past when the United States has come up with a new weapon.

Just one more reason for a U.S.-Soviet agreement not to put these dangerous (if they work) weapons in the skies. Maybe it is science fiction to destroy cities by laser. But if Stars Wars turns out not to be science fiction, this nightmare is likely to be real, too.

SUPPORT FREEDOM IN NAMIBIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. SOLOMON. Mr. Speaker, on December 19 last year the Secretary of State appointed a 12-member Advisory Committee on South Africa to recommend measures the United States can take to encourage peaceful change in South Africa and be most effective in promoting equal rights in South Africa and ending apartheid.

The Namibian Transitional Government of National Unity and the Multi-Party Conference are exercising all powers of local self-government pending genuine independence for Namibia, which since 1920 has been administered by South Africa.

The Namibia TGNU and Multi-Party Conference support the U.S. policy of peaceful change and an end to apartheid in South Africa. Indeed, on April 9 of this year the Namibian National Assembly abolished apartheid de jure in South West Africa/Namibia.

In order to support President Reagan's policy of U.S. Government support for internal political groups opposing the Soviet expansionist campaign in southern Africa, I am introducing the following "sense of Congress" resolution for consideration by the U.S. Congress.

99TH CONGRESS, 2D SESSION

H. RES. —

IN THE HOUSE OF REPRESENTATIVES

Expressing the support and encouragement of Congress for those working for freedom and against communism in South West Africa/Namibia.

Whereas the President of the United States has expressed U.S. foreign policy as opposing Soviet-backed terrorist campaigns to subvert or seize control of non-Soviet countries and territories in various parts of the world, including Central America, S.E. Asia, the Middle East, Afghanistan and Southern Africa;

Whereas approximately 40,000 Cuban combat soldiers and several thousand Soviet and East German advisors presently occupy Angola and lend support to the Soviet-backed terrorist campaign of SWAPO (South West Africa People's Organization), operating from bases in southern Angola, to seize control of Namibia before that territory can achieve internationally acceptable independence;

Whereas the United Nations General Assembly continues to designate SWAPO as the "sole and authentic" representative of the people of Namibia, accord SWAPO permanent observer status at the U.N., and finance SWAPO propaganda offices and meetings throughout the world, while refusing to recognize the various Namibian parties who make up Namibia's Multi-Party Conference;

Whereas on June 17, 1985, the Republic of South Africa voluntarily and as a result of the peaceful negotiations with Namibia's political leaders of the Namibia Multi-Party Conference, effected a complete transfer of all administrative powers of local self-government that were previously exercised by the Administrator-General for Namibia, an official appointed by South Africa;

Whereas Namibia's political party leaders acting on behalf of the people of Namibia immediately established Namibia's Transitional Government of National Unity and invited all political parties, including SWAPO, to participate in exercising the powers of local self-government enjoyed for the first time since 1884 by the people of Namibia;

Whereas Namibia's Transitional Government of National Unity opposes apartheid in all its forms and has abolished apartheid de jure in Namibia;

Whereas SWAPO, under Soviet direction, has refused to cooperate or participate in any democratic or peaceful process leading to Namibian independence;

Whereas historic U.S. foreign policy has encouraged and aided indigenous political groups and similar organizations in developing countries which seek to establish non-Soviet controlled and democratic governments;

Whereas Namibia's Transitional Government of National Unity and the various political parties comprising Namibia's Multi-Party Conference represent the most hopeful, reasonable and constructive avenue to achieve peace in South West Africa and should be supported by the United States; Now, therefore be it

Resolved, That it is the sense of the U.S. House of Representatives that—

(1) The United States should continue to pursue serious multi-lateral initiatives aimed at achieving removal of all Cuban combat troops now occupying Angola, closure of all SWAPO bases in southern Angola and impartiality by the United Nations in treatment of all Namibian political parties wishing to appear at the United Nations, and

(2) The Department of State should immediately establish contact with the leaders of all political parties who make up the Namibia Multi-Party Conference and Namibia Transitional Government of National Unity, and

(3) The United States Government should implement its support for Namibia's Transitional Government of National Unity pending a negotiated plan for internationally acceptable independence by—

(a) Establishing an interest section in Windhoek.

(b) Dispatching a delegation of officials to Windhoek for bilateral talks.

(c) Including Namibia among African nations receiving aid from the U.S. and international organizations the U.S. supports.

(d) Establishing Peace Corps representation in Namibia.

(e) Encouraging U.S. private investment in Namibia.

(f) Supporting Namibia's control of its fishing industry by requiring other nations to adhere to generally recognized international rules and existing agreements.

(g) Inviting all Namibian political parties, including Namibia's Multi-Party Conference and SWAPO, to meet in an all-parties conference to develop a consensus on the time and method for achieving independence for Namibia free from foreign control.

THE RETURN OF DR. SEUSS TO SPRINGFIELD

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. BOLAND. Mr. Speaker, my hometown of Springfield, MA, is recognized as being the birthplace of many famous people and things. It was in Springfield that the game of basketball was created and the first American automobile assembled. And, as far as notable people, few could compare with the creator of the Lorax, Thidwick the big-hearted moose, and the cat-in-the-hat; the world renowned, and beloved, Dr. Seuss.

Dr. Seuss, otherwise known as Ted Geisel, was raised in Springfield, and even though he now resides in California he has retained a fondness for the "City of Homes". The people of Springfield have been honored to have some of the areas of the their city depicted in certain of his stories, and the other day he returned to Springfield for a visit and to take part in the city's ongoing 350th anniversary celebration. Today's New York Times carried an article about that visit, and I would like to insert it at this point in the RECORD:

[From the New York Times]

AFTER 60 YEARS, DR. SEUSS GOES HOME

(By Larry Rohter)

SPRINGFIELD, MASS.—May 20—Like the Cat in the Hat, Dr. Seuss came back today, back to the schools, libraries, streets and parks of this New England factory town where he was born 82 years ago.

Unlike some of his best-known creations, though, Dr. Seuss did not seem to have mischief in mind. Instead, his was a sentimental visit to a place where, as he put it, "I haven't really spent any time in 60 years" but where he and his family are fondly remembered by three generations of local residents and an assortment of relatives that until today he wasn't even sure he had.

Amid all the testimonials, and receptions in his honor, between the lunch and the dinner with city officials and community leaders, Dr. Seuss managed to find time to stop and take another look at Mulberry Street. It was the street that inspired the man who grew up here as Theodor Geisel to write "And to Think That I Saw It on Mulberry Street" nearly 50 years ago, launching him on a career as the most successful

author of children's books in American history.

"I never really lived on Mulberry Street," he said almost apologetically. "But my mother owned a piece of property on Mulberry Street, and I spend a lot of time there."

OUTPOURING OF AFFECTION

As Dr. Seuss, tanned, bearded and white-haired, pulled up in a small bus in front of the medical center at 39 Mulberry Street, it was as if he had never left. Dozens of excited children surged toward him, waving copies of "Hop on Pop" and "Green Eggs and Ham" and shouting "We love you, Dr. Seuss!"

Adults were a bit more restrained in their outpouring of affection, but just barely. Nurses and office workers began to emerge from the medical center to seek the author's autograph, and a group of teachers quickly gathered around to hug and congratulate him. Perhaps they had heard of his latest effort, "You're Only Old Once," a humorous book about adults that he has been promoting.

"Thank you so much for being so good to the kids," said Gail Watson, a librarian from Chicopee, Mass., who had come with students from the Barry School to catch a glimpse of their idol.

At the next stop, Sumner Avenue Elementary School, which he attended as a child, it was more of the same. Students and teachers poured onto the front lawn, decked out in outlandish haberdashery straight from "The 500 Hats of Bartholomew Cubbins" and waving slightly misspelled banners reading, "Welcome Home Dr. Seuss."

"Will you write us a book?" asked one boy as Dr. Seuss hugged and squeezed the children.

SESSION WITH CONSTITUENTS

There was no time for that, but Dr. Seuss did take part in a freewheeling session with the constituency that has provided the most avid consumers over the years of his 45 books, which have sold over 100 million copies. At the Springfield City Library, surrounded by images of Horton the Elephant, Yertle the Turtle and other members of the Seuss menagerie, he fielded questions from a group of nine children ages 9 and 10, displaying all the whimsical humor contained in his books.

One child wanted to know if Dr. Seuss had ever acted like any of his characters. "No, because I don't want to get put in jail," he replied, drawing delighted giggles.

His hobbies? "Gardening and climbing Mount Everest, which I don't do very often."

Why do his animals look the way they do? "I can't draw too well, so the knees keep slipping down and the elbows keep slipping up."

On a more serious note, he told them, "All of my books are based on truth, an exaggerated truth." And if any of them plan to become writers or artists, he advised, "you can get help from teachers, but you are going to have to learn a lot by yourself, sitting alone in a room."

"He was very exciting and nice," Daniel Santana, 10 years old, said afterward. "I knew he would have glasses and white hair, but I did not know he would have a bow tie and beard."

It has been 20 years since Dr. Seuss last visited his hometown, and that was for the funeral of his father. For years he has lived in La Jolla, Calif., in a Spanish-style ranch house overlooking the Pacific Ocean and

equipped with a studio in which he writes and illustrates his books.

But the University of Hartford, just down Interstate 91 from here in Connecticut, awarded him an honorary Doctor of Letters last weekend, and when people in his hometown, which has been celebrating its 350th anniversary all this month, heard about the forthcoming honor some months ago, they began a campaign urging him to pay a visit.

In the end, it was probably not the efforts of Mayor Richard E. Neal or other leading residents that turned the tide and brought him here. More than 600 local schoolchildren wrote letters to Dr. Seuss asking that he visit, including Joel Senez, 8, who now lives in Dr. Seuss's boyhood home at 74 Fairfield Street.

Dr. Seuss stopped by to visit the house and, seated in his boyhood bedroom, told Joel and his younger brother, Aaron, 5, about the life he had led there with his mother, Henrietta, whose maiden name he would take as his pen name, and father, Theodor, whose responsibilities as Superintendent of Parks included the local zoo.

There were no tizzle-topped tufted mazurkas, twiddling umlauts or bee-watching abasolms at the Springfield Zoo, Dr. Seuss admitted today. But he recalled that it was a pleasant place for a boy to spend his time, sketching the rather more conventional beasts that did live there.

"I just stopped by to make sure you're taking proper care of the house," Dr. Seuss told the Senez boys and their father, Ronald, an administrative officer with the National Guard, before departing.

A few grins in town might argue that Dr. Seuss is not Springfield's most famous son, that the honor belongs to James Naismith, who invented basketball here nearly a century ago. But Dr. Seuss's legion of local fans were having none of that today.

"And to think that we saw him on Mulberry Street," read one large banner displayed by a group of enthusiastic schoolchildren. When it came time for Dr. Seuss to go on his way, they saluted him with a line from one of his own books: "Thank you, thank you, Sam-I-Am."

FRONT-LINE SOLDIERS DESERVE FULLY TESTED WEAPONS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. LEHMAN of Florida. Mr. Speaker, last week the Wall Street Journal printed an opinion page article by our esteemed colleague, CHARLES E. BENNETT. A senior Member both of the House and of the Committee on Armed Services, as well as the dean of the Florida delegation, CHARLIE BENNETT is an authority on military subjects. I urge all my colleagues to read his views on this critical subject—the need to be assured that today's sophisticated weapons actually work in the field as they do in the laboratory. Certainly there is no one in this Congress, whether hawk or dove or somewhere in between, who wants to see American soldiers sent into battle with weapons that fail.

The article follows:

[From the Wall Street Journal, May 15, 1986]

FRONT-LINE SOLDIERS DESERVE FULLY TESTED WEAPONS

By Charles E. Bennett

Dateline: The Mediterranean, 1987.

Dawn comes to the American entrenchments astride the road to Tripoli. The men of the U.S. 82nd Airborne have been ordered to prevent Libyan reinforcements from relieving Col. Muammar Qadhafi's troops besieged in the capital.

Cpl. Allen Jackson's stomach tightens at the sight of more than 100 Libyan T-72 tanks in the distance. He checks to see if his Dragon antitank missile is ready to fire. From his foxhole he scans the positions that other Dragon-armed paratroopers have prepared in the rocky ground.

Several Libyan tanks explode in the distance, hit by jeep-mounted TOW antitank missiles. But the remaining tanks keep advancing. As they come within the advertised 1,000 yard range of the Dragon, Cpl. Jackson aims at a lead T-72 and fires. Other paratroopers do the same.

The Dragons blast from their launch tubes. Most merely dive into the desert floor. Others strike the tanks, but fail to penetrate the Soviet-made armor. The Libyan tanks grind forward, toward hundreds of U.S. paratroopers now armed with nothing but rifles and grenades.

Soldiers' lives and possibly American interests, are sacrificed because the Dragon fails to perform in combat as it did in the laboratory. This nightmare could become a reality if the U.S. does not realistically test its weapons.

Conventional wars are fought by exhausted young men amid the chaos and smoke of battle, not by lab-coated engineers in air-conditioned computer rooms. Soldiers fight with weapons they have carried or driven for miles through the rain and mud, not with simulation software. Yet we continue to rely almost exclusively on sterile computer simulations to determine the survivability of our vehicles and the lethality of our arms.

There are many reasons for this. The military services want to get new weapons fielded quickly. The contractors want to see their program go forward with as little interruption as possible. Members of Congress want to see funding flow for both of these reasons, and also they represent workers whose jobs depend on weapons programs.

These are all well-meaning people dedicated to our nation's defense. Yet in their zeal to maintain a program's momentum, they can lose sight of the bottom line: The only way to determine if a weapon will work in combat is to test it under realistic combat conditions.

This is only simple common sense. However, we don't do it. Col. James Burton, director of the Pentagon's Live-Fire Test Program, testified earlier this year before a House Armed Services Subcommittee that "there has never been a program to shoot real Soviet weapons at U.S. vehicles loaded with the dangerous materials they have to carry in combat."

Unrealistic weapons testing is not a new problem. U.S. testing has been inadequate for decades. At the outset of World War II our torpedoes did not work. In Korea, U.S. troops found that their bazooka rounds bounced off enemy tanks. In Vietnam and the Middle East our planes and tanks were

found to be excessively flammable. Men died needlessly in those conflicts.

They may die needlessly in the future. The Maverick guided missile, the Mark 46 torpedo and the Dragon antitank missile are examples of weapons our armed forces rely on to perform vital combat missions. All three might perform satisfactorily. We simply do not know if they will work as advertised because they have not been realistically tested.

Maverick is the primary Air Force antiarmor weapon, an important element of U.S. air power. In Maverick tests two years ago, personnel from the Hughes Corp. monitored the targeting of the weapons, and told the pilot when to fire at targets. In more recent Maverick tests, pilots were told of the precise locations of their targets. The targets, of course, were not allowed to move. The Mark 46 torpedo is the only anti-submarine torpedo used by our surface combatants, helicopters and aircraft. If this one weapon doesn't work, our ability to maintain control over the seas would be in question. The consequences of the Dragon failing in combat have already been illustrated hypothetically. Suffice it to say that Dragon is the individual foot soldier's sole means of killing tanks.

All this paints a bleak picture. But there is hope for the future. The Defense Department has initiated some limited realistic testing under Col. Burton's Live-Fire Test Program. Congress should carefully nurture and expand that program.

The rationale for live-fire testing is simple. Before we put a weapon in the hands of our troops we should ensure that it performs its combat mission, not that it simply meets contract specifications. Our tests should replicate combat conditions as realistically as possible.

This means firing real Soviet weapons at our vehicles configured as they would be in combat. To test our munitions and missiles, we should have real soldiers fire real rounds at combat-loaded targets of enemy manufacture.

The first round of live-fire tests of the Bradley Fighting Vehicle proved the value of realistic testing. It was learned that, although the Bradley meets all of the Army's technical specifications, it is far more vulnerable than need be. The simulations used to predict the effects of hits were also grossly incorrect 60% of the time.

Fortunately, we learned all of this before men were unnecessarily killed in combat. Unfortunately, we found out only after the taxpayers had bought and paid for more than 2,000 Bradleys.

The second round of Bradley tests began with a disturbing development. Pentagon documents indicate that the first test of this round may have been manipulated. If true, the ammunition box was moved from its original position, where it would have been hit in the tests, and replaced with a water can. This matter is currently under investigation. Movement of the ammo box would be unacceptable only if the test results would be significantly affected by the switch.

The Bradley tests demonstrate two things. First, live-fire testing should be required for all major weapons and munitions before we sign production contracts. Second, such testing should be overseen by an independent test director. That director must have the authority and the resources to conduct his own tests if the uniformed services refuse to conduct their tests realistically.

American soldiers have a right to expect that the government that orders them into

combat will provide them with the tools necessary to do the job. Next week, I will try to amend this year's Defense Authorization bill to require live-fire testing so that our government keeps its end of the bargain.

LET'S STOP PLAYING GAMES, MR. GORBACHEV

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. BROOMFIELD. Mr. Speaker, it's time for Mr. Gorbachev to stop playing games. Why is he inviting diplomats to visit Kiev and the area near Chernobyl when there are scientists available to do the same job? The safety of nuclear facilities is no laughing matter. The incident at Chernobyl was a real tragedy. Now is the time to be serious and find out what really happened at Chernobyl. The world doesn't need another nuclear accident.

Just the other day, Soviet officials invited European ambassadors in Moscow to visit Kiev and an area near that city where evacuees from the Chernobyl area are living. Mr. Gorbachev, what do diplomats know about nuclear accidents? What do they know about radiation and its effects on health and the environment?

The Soviet offer was rejected. European governments made it perfectly clear to the Kremlin that they wanted to send experts, not ambassadors, to the affected area. The European governments wanted their experts to visit the plant itself, not just Kiev which is 80 miles from Chernobyl.

If the Soviets are really trying to clean up their image, this is the perfect opportunity. Mr. Gorbachev should invite a team of nuclear experts from the International Atomic Energy Administration to visit the nuclear plant. He should encourage that team to determine exactly what caused that disaster. The Soviet leader should share the findings with the world. Accidents like the one at Chernobyl must not happen again.

With 13 dead and hundreds suffering from radiation sickness, Mr. Gorbachev, you don't need traditional diplomats to visit Kiev. You need a team of real experts.

LOW-INCOME ELDERLY AND DISABLED MEDICAID AMENDMENTS OF 1986 (H.R. 4882)

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1986

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce, on behalf of myself and Mr. SCHUMER, the Low Income Elderly and Disabled Medicaid Amendments of 1986. We are joined in sponsoring this legislation by a bipartisan coalition of 43 colleagues, including a majority of the members on the Subcommittee on Health and Environment of the Committee on Energy and Commerce, which has legislative

jurisdiction over this proposal. In addition, several members from the Committee on the Budget and the Select Committee on Aging are among the cosponsors. We are particularly pleased that the chairman of the Select Committee on Aging, Mr. ROYBAL, the committee's ranking Republican, Mr. RINALDO, and the chairman of the Aging Committee's Subcommittee on Health and Long-term Care, Mr. PEPPER, have joined us in introducing this measure.

Last week the House adopted a fiscal year 1987 Budget Resolution, House Concurrent Resolution 337, which assumes additional Medicaid spending of \$38 million in the first year for a low-income elderly and disabled initiative. This bill is that initiative. It will enable the States, with Federal assistance, to protect our most vulnerable senior and disabled citizens from the often devastating health expenses they now face.

This legislation gives the States two broad options to protect their low-income elderly and disabled under the Medicaid Program. First, they could offer the full range of Medicaid coverage to the elderly and disabled with incomes of up to the 100 percent of the Federal poverty level. Or, States could opt for a more limited approach and just pay for Medicare cost-sharing requirements—the part A deductible and coinsurance and the part B premium, deductible, and coinsurance—for elderly and disabled Medicare beneficiaries whose incomes are below the Federal poverty line. In either case, States would receive Federal Medicaid matching payments for their expenditures on behalf of this new population.

NEEDS OF THE ELDERLY AND DISABLED POOR

Extension of Medicaid coverage to poor elderly and disabled Medicare beneficiaries is clearly a pressing priority despite limited Federal resources. On March 26, at a hearing before the Subcommittee on Health and the Environment, the Congressional Budget Office testified that 20 percent of our senior citizens—5 million people—are without Medicaid or private insurance to supplement their Medicare benefits. These beneficiaries, relying on Medicare alone to finance needed health services, are among the sickest and poorest of our senior and disabled citizens. They face substantial out-of-pocket costs for needed care and can incur devastating financial burdens when illness strikes.

Medicare covers less than half of the health expenses of the elderly and disabled and requires substantial cost-sharing. In 1986, Medicare beneficiaries will pay \$186 for premiums for part B coverage, a \$492 deductible for the first day of hospital care, and a physician deductible of \$75 plus 20 percent cost-sharing on all claims and extra billing if the physician does not take assignment. Medicare also fails to cover many services that the elderly and disabled need. Specifically, Medicare does not cover prescription drugs, dental care, extended nursing-home care, or other long-term care services. As a result, out-of-pocket expenses for an elderly person with a moderate spell of illness can easily exceed \$2,000. This is a major expense for anyone, but a devastating financial burden for the nearly 4 million elderly poor struggling to live on incomes of less than \$5,000 per year.

THE IMPORTANCE OF MEDICAID COVERAGE

Medicaid, the Federal-State program that purchases basic health care coverage for the poor, provides essential assistance to about 3.2 million poor elderly and 3.1 million disabled. It supplements Medicare by filling in the gaps left by Medicare's cost-sharing requirements and by providing additional benefits to complement Medicare's coverage of acute care. Medicaid pays the Medicare part B premium as well as the part A and B cost-sharing and deductibles for Medicare beneficiaries. In 1982, Medicaid paid the Medicare premiums for 9 percent of aged Medicare beneficiaries and 19 percent of disabled Medicare beneficiaries. Medicaid also covers services not covered by Medicare, including prescription drugs, dental care, and nursing-home care. Many frail and low-income elderly and disabled need these services, but cannot afford to purchase them directly.

Medicaid can therefore provide valuable protection for the poor who lack the ability to pay out-of-pocket for health services or purchase private supplemental insurance coverage. Thirty percent of the poor and near-poor elderly have neither Medicaid nor private insurance.

The problem is that Medicaid does not reach all low-income elderly and disabled. In fact, only 36 percent of the elderly with incomes below the Federal poverty line receive benefits from Medicaid today. An estimated 2.2 million elderly individuals with incomes below 100 percent of the Federal poverty level (\$4,979 in 1984) are not covered. One of the reasons for this lack of coverage is Federal Medicaid eligibility policy.

Generally speaking, Medicaid coverage is not available to a poor elderly or disabled individual unless he or she is receiving cash assistance under the Supplemental Security Income [SSI] Program, is living in a nursing home, or has very high, recurring medical expenses. The maximum income for eligibility for Federal SSI benefits in 1986 is \$356 per month for an individual, or 76 percent of the Federal poverty standard, and \$524 for a couple, or 90 percent of poverty. In about half the States the income level for eligibility is somewhat higher because the State supplements the Federal SSI benefit payment. In about 30 States, elderly and disabled poor who are not receiving cash assistance qualify for Medicaid under optional medically needy coverage or under special provisions allowing coverage of individuals in nursing homes.

As a result of these complex rules, many of the poorest elderly and disabled Medicare beneficiaries receive no assistance from Medicaid. Illness strikes at all income levels, but the financial burden of illness is greatest for those with low incomes. When illness strikes, they must choose between obtaining care or doing without other essential services. Too often needed care is foregone because food and shelter must take priority. The poor elderly and disabled who are not eligible for SSI and who do not qualify for Medicaid coverage as medically needy could receive substantial assistance from having Medicaid pick up their Medicare cost-sharing obligations and offer them the protection that more affluent elderly and disabled Medicare beneficiaries obtain from private supplementary insurance plans.

It is precisely those without Medicaid and supplemental coverage that have the greatest

health needs and the lowest use of services. The Congressional Budget Office found that the elderly without Medicaid or supplementary private insurance were both older and sicker than other Medicare beneficiaries. Yet, despite their greater health needs, these individuals do not receive care at rates comparable to others. Those elderly with Medicare coverage only are 13 percent more likely to have fair or poor health than those with both Medicare and supplementary insurance, but they receive 35 percent fewer physician visits per capita, 29 percent fewer prescription drugs, and are 18 percent less likely to be admitted to a hospital.

THE PROPOSED LEGISLATION

Title I. Optional Medicaid Coverage of Elderly and Disabled

Allows States, at their option, to extend Medicaid coverage to elderly and disabled individuals (1) whose resources meet the standards under the Supplemental Security Income [SSI] Program (or, at State option, the medically needy program); and (2) whose income is up to 100 percent of the Federal poverty guidelines (\$447 per month for an individual, \$603 for a couple).

Coverage would include the full range of Medicaid benefits offered by the State to its cash assistance recipients, including payment of Medicare premiums and cost-sharing requirements for individuals eligible for both programs. (Using the option created in title II, States could limit their assistance to payment of Medicare premiums and cost-sharing only.)

States could set the income thresholds at whatever level they choose, up to the Federal poverty level; the thresholds would have to be the same for both the elderly and disabled.

States could not choose as between the elderly or disabled; if they opt to cover one group, they would have to cover the other.

In order to exercise this option, the State would have to extend Medicaid coverage to at least some pregnant women and infants up to age 1 (as per H.R. 4630). The income thresholds established for the aged and disabled could be no higher than those for the pregnant women and infants.

Effective July 1, 1987.

Title II. Optional Coverage of Medicare Premium and Cost-sharing for Elderly and Disabled

Allows States, at their option, to pay the Medicare premium and cost-sharing obligations of elderly and disabled Medicare beneficiaries (1) whose resources meet SSI standards (or, at State option, Medicaid medically needy standards), and (2) whose incomes do not exceed 100 percent of the Federal poverty level.

States could not choose as between elderly and disabled Medicare beneficiaries; if they opt to pay the cost-sharing for one group, they would have to do so for the other.

States could set income thresholds at any level up to 100 percent of poverty; the thresholds would have to be the same for both the elderly and disabled.

Medicare cost-sharing requirements that would be covered under this option are the part A (inpatient hospital) deductible and coinsurance and skilled nursing facility coinsurance, and part B (physician services) premium, deductible, and coinsurance.

In order to exercise this option, the State would have to extend Medicaid coverage to pregnant women and infants up to age 1 (as per H.R. 4630). The income thresholds established for the elderly and disabled could be no higher than those for pregnant women and infants.

Effective July 1, 1987.

CONCLUSION

Mr. Speaker, this legislation is essential to improving the health coverage available to the elderly and disabled poor. It is carefully targeted at the poorest of our elderly and disabled citizens and thus focuses help on those most in need. It does not impose any new burdens on the States, but instead makes Federal financial resources available to those States that decide they want to extend protection to more of their elderly and disabled citizens.

Although a final CBO estimate is not yet available, we anticipate the cost will be extremely modest—about \$38 million in the first year. The House version of the fiscal year 1987 budget resolution allows for the enactment of such an initiative, and if the conferees accept the House position—as we hope they will—we would expect the Health and Environment Subcommittee to take up this bill and related Medicaid legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 22, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 29

9:30 a.m.

Joint Economic

Economic Resources, Competitiveness, and Security Economics Subcommittee To resume hearings to review the effects of legal and illegal immigration on the U.S. economy.

2359 Rayburn Building

JUNE 3

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending
calendar business.

SR-253

Energy and Natural Resources
To hold oversight hearings on the im-
plementation of the Public Utility
Regulatory Policies Act (P.L. 95-617).

SD-366

Finance

To hold hearings on S. 2331, to assure
the quality of inpatient hospital serv-
ices and post-hospital services fur-
nished under the Medicare program,
and related matters.

SD-215

10:00 a.m.

Environment and Public Works
To hold hearings on the expansion of
the Pavilion at the Old Post Office
Building in the District of Columbia.

SD-406

Governmental Affairs

Energy, Nuclear Proliferation and Gov-
ernment Processes Subcommittee

To hold joint hearings with the Commit-
tee on Labor and Human Resources'
Subcommittee on Aging on statistical
policy with regard to older Americans.

SD-430

Labor and Human Resources
Aging Subcommittee

To hold joint hearings with the Commit-
tee on Governmental Affairs' Subcom-
mittee on Energy, Nuclear Prolifera-
tion and Government Processes on sta-
tistical policy with regard to older
Americans.

SD-430

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommit-
tee
To hold hearings on proposed budget es-
timates for fiscal year 1987 for fossil
energy and clean coal technology.

SD-192

JUNE 4

9:30 a.m.

Appropriations
Commerce, Justice, State, the Judiciary,
and Related Agencies Subcommittee
To hold hearings on proposed budget es-
timates for fiscal year 1987 for the De-
partments of Commerce, Justice, and
State, the Judiciary, and certain relat-
ed agencies.

S-146, Capitol

Select on Intelligence

To hold closed hearings on intelligence
matters.

SH-219

10:00 a.m.

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1935, to provide
for certain vessels to be documented
under the laws of the United States to
entitle them to engage in domestic
coastwise trade.

SR-253

Energy and Natural Resources

Business meeting, to consider pending
calendar business.

SD-336

Labor and Human Resources

To hold oversight hearings to review the
imposition of user fees in FDA approv-
al procedures for new drugs.

SD-430

JUNE 5

9:30 a.m.

Labor and Human Resources
Education, Arts, and Humanities Subcom-
mittee

To hold hearings on S. 2256, to remove
certain requirements relating to reser-
vations of funds for special alternative
instructional programs and transition-
al bilingual educational programs.

SD-430

10:00 a.m.

Energy and Natural Resources

To resume oversight hearings on the im-
plementation of the Public Utility
Regulatory Policies Act (P.L. 95-617).

SD-366

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommit-
tee

To hold hearings on proposed budget es-
timates for fiscal year 1987 for the Na-
tional Endowment for the Arts, and
the Institute of Museum Services.

SD-192

JUNE 9

10:00 a.m.

Energy and Natural Resources

To hold oversight hearings on clean coal
technology development and strategies
for acid rain control.

SD-366

JUNE 10

9:30 a.m.

Environment and Public Works
Environmental Pollution Subcommittee

To hold oversight hearings on ozone de-
pletion, the greenhouse effect, and cli-
mate change.

SD-406

10:00 a.m.

Energy and Natural Resources

To continue oversight hearings on clean
coal technology development and
strategies for acid rain control.

SD-366

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommit-
tee

To hold hearings on proposed budget es-
timates for fiscal year 1987 for the
Office of the Secretary and Office of
the Solicitor, Department of the
Interior.

SD-192

JUNE 11

9:30 a.m.

Environment and Public Works

Environmental Pollution Subcommittee
To continue oversight hearings on ozone
depletion, the greenhouse effect, and
climate change.

SD-406

Governmental Affairs

Oversight of Government Management
Subcommittee

To resume oversight hearings on alleged
Department of Defense subcontractor
kickbacks.

SD-342

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending
calendar business.

SD-366

Labor and Human Resources

To hold hearings on efforts to improve
the health status of children.

SD-430

JUNE 12

9:30 a.m.

Energy and Natural Resources

Public Lands, Reserved Water and Re-
source Conservation Subcommittee

To hold hearings on S. 2204, to permit
the use of park entrance, admission,
and recreation use fees for the oper-
ation of the National Park System,
and S. 2130, to preserve, protect and
revitalize the National Park System.

SD-366

Select on Indian Affairs

To hold hearings on S. 830, to expand
Indian education programs to include
Native Hawaiians.

SR-485

10:00 a.m.

Labor and Human Resources

Education, Arts, and Humanities Subcom-
mittee

To resume joint oversight hearings with
the House Committee on Education
and Labor's Subcommittee on Elemen-
tary, Secondary and Vocational Educa-
tion on illiteracy in America.

2175 Rayburn Building

JUNE 16

1:00 p.m.

Energy and Natural Resources

Energy Research and Development Sub-
committee

To hold oversight hearings on the
second waste repository site selection
under the Department of Energy's
Office of Civilian Radioactive Waste
Management.

SD-366

JUNE 17

9:00 a.m.

Environment and Public Works
Nuclear Regulation Subcommittee

To hold hearings on S. 1235 and S. 2291,
bills to promote more effective and ef-
ficient nuclear licensing and regula-
tion.

SD-406

9:30 a.m.

Energy and Natural Resources

Public Lands, Reserved Water and Re-
source Conservation Subcommittee

To hold hearings on S. 2055, to establish
the Columbia Gorge National Scenic
Area.

SD-366

10:00 a.m.

Governmental Affairs

Energy, Nuclear Proliferation and Gov-
ernment Processes Subcommittee

To hold hearings on S. 525, to provide
the Secretary of Health and Human
Services the authority to conduct epi-
demiological studies of the health ef-
fects of radiation in places of employ-
ment

SD-342

Labor and Human Resources

To resume hearings on S. 1804, to estab-
lish a program to provide development
and incentive grants to States for en-
acting medical malpractice liability re-
forms.

SD-430

Select on Indian Affairs

To resume hearings on S. 902, to estab-
lish Federal standards for gaming ac-
tivities on Indian lands.

SD-106

JUNE 18

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending
calendar business.

SD-366

Governmental Affairs

Civil Service, Post Office, and General
Services Subcommittee

To hold joint hearings with the House
Committee on Post Office and Civil
Service on a Postal Rate Commission
report on the use and abuse of the pre-
ferred mail rate.

SD-342

Labor and Human Resources

Business meeting, to consider pending
calendar business.

SD-430

JUNE 19

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings on general aviation
product liability.

SR-253

Energy and Natural Resources

To hold oversight hearings to review the
impact of the explosion of the Soviet
nuclear powerplant at Chernobyl on
the domestic nuclear industry.

SD-366

10:00 a.m.

Small Business

To hold oversight hearings on the imple-
mentation of the Prompt Payment Act
(P.L. 97-177).

SR-428A

JUNE 23

2:00 p.m.

Energy and Natural Resources
Energy Research and Development Sub-
committee

To hold oversight hearings to review
budget requests for the Department of
Energy's Office of Energy Research
and the Office of Environment,
Health and Safety.

SD-366

JULY 25

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending
calendar business.

SD-366

Labor and Human Resources

To hold hearings on the administration
of the Mine Safety and Health Review
Commission.

SD-430

JULY 17

9:30 a.m.

Finance

Social Security and Income Maintenance
Programs Subcommittee

To hold joint hearings with the Commit-
tee on Labor and Human Resources'
Subcommittee on Employment and
Productivity on work and welfare
issues.

SD-430

Labor and Human Resources

Employment and Productivity Subcom-
mittee

To hold joint hearings with the Commit-
tee on Finance's Subcommittee on
Social Security and Income Mainte-
nance Programs on work and welfare
issues.

SD-430

10:00 a.m.

Energy and Natural Resources
Public Lands, Reserved Water and Re-
source Conservation Subcommittee

To hold hearings on S. 2412, to with-
draw and reserve certain public lands.

SD-366

JULY 22

9:30 a.m.

Finance

Social Security and Income Maintenance
Programs Subcommittee

To resume joint hearings with the Com-
mittee on Labor and Human Re-
sources' Subcommittee on Employ-
ment and Productivity on work and
welfare issues.

SD-430

Labor and Human Resources

Employment and Productivity Subcom-
mittee

To resume joint hearings with the Com-
mittee on Finance's Subcommittee on
Social Security and Income Mainte-
nance Programs on work and welfare
issues.

SD-430

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on S. 1903, and a relat-
ed measure to improve the safe oper-
ations of commercial motor vehicles.

SR-253

JUNE 25

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings on proposed legislation
authorizing funds for the National
Transportation Safety Board.

SR-253

JULY 29

10:00 a.m.

Labor and Human Resources

Employment and Productivity Subcom-
mittee

To hold hearings to review the response
for home health care services.

SD-430

JULY 30

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending
calendar business.

SD-430

AUGUST 13

10:00 a.m.

Labor and Human Resources

To hold hearings to review the private
sector initiatives in human services.

SD-430

SEPTEMBER 10

10:00 a.m.

Labor and Human Resources

To hold hearings to review the human
resources impact on drug research and
space technology.

SD-430

SEPTEMBER 16

10:00 a.m.

Labor and Human Resources

To hold hearings on pending nomina-
tions.

SD-430

SEPTEMBER 24

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending
calendar business.

SD-430

CANCELLATIONS

JUNE 12

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings on proposed legislation
authorizing funds for programs of the
Hazardous Materials Transportation
Act.

SD-253